

MAINE STATE LEGISLATURE

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FINAL REPORT OF THE
MAINE SCHOOL DISTRICT COMMISSION
TO THE
STATE BOARD OF EDUCATION

Activities, Procedures and Results of
Six Years of School District Reorganization in the State of Maine
1957 to 1963

Letter of Transmittal

December 31, 1963

Mr. Bernal B. Allen
Chairman, State Board of Education
State Office Building
Augusta, Maine

Dear Mr. Allen:

The members of the Maine School District Commission take great pleasure in making available to you and the members of the State Board of Education copies of "The Final Report of the Maine School District Commission to the State Board of Education."

The School District Commission served from the fall of 1957 until December 31, 1963. During that time thirty-two districts, with a total of 103 towns and cities, were formed. At present, approximately 35% of the total possible districts, and about 20% of the total number of Maine cities and towns are in school administrative districts.

We are happy to inform you that the school administrative district program has had wide acceptance, and, as time progresses, we confidently expect that a vast portion of Maine's cities and towns will be in districts. In all towns and cities voting on the school district question to date more than three out of four have favored the plan.

We commend the State Department of Education for their work in behalf of all school district endeavors.

We wish to assure you, also, that all members of the School District Commission freely offer their services to you and the State Board of Education whenever needed.

Yours sincerely,

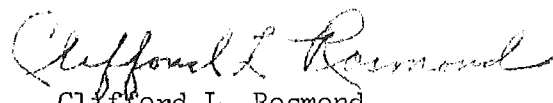

Clifford L. Rosmond
Chairman, Maine School
District Commission

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Note: In 1948 there were 102,000 school districts in the United States; in 1960 there were 35,000 school districts in the nation. In 1957 Maine operated 499 school units; by the close of 1963 there were 424 school units in operation. The reduction of the number of units in Maine in 1963, for the first time, equaled the national average of 5% reduction per year.

Final Report of the Maine School District Commission
School District Reorganization in Maine
October 1, 1957 - December 31, 1963

By 1955 many legislators were becoming concerned with the rapid increase in school expenditures and concerned even more with the school tax being paid by local taxpayers and likewise shared by the state as a whole. As a result of this deep concern, the 1955 Legislature appropriated \$25,000 for the use of the Legislative Research Committee. The committee was charged with the responsibility of studying the problem and of proposing solutions to the 98th Legislative session in 1957. The Legislative Research Committee employed the firm of J. L. Jacobs and Company, Chicago, Illinois, to make a professional survey of education in Maine and the financing thereof. The study was completed and the Legislative Research Committee published the study and its report in January 1957 to the 98th Legislature. The 136 page report was titled "School Finances and Needs".

As a result of this report, appropriate legislation was introduced to carry out the recommendations of the committee. The legislation became known by the name of its sponsor, Senator Roy U. Sinclair; thus the "Sinclair Act" became law and Maine was embarked on a program of school district reorganization. The new law became effective following ten years of experimentation with consolidation without state incentives. The community school district pattern was largely a matter of towns joining together to provide secondary education. Progress made during the ten year period paved the way for passage of the Sinclair Act. The new Act included a new salary schedule for teachers and the adoption of a minimum foundation program of education as the basis for paying state aid to local communities. The 98th Legislature passed the Sinclair Act to achieve maximum use of the limited local and state financial resources.

The aim of the legislation was to correct some of the conditions revealed by the study, a few of which were reported as follows:

(1) Many of the towns are so small in school population that it is impossible to expect them to provide an adequate educational program. This is particularly the case with respect to the many small secondary schools where teachers are required to teach several grades and subjects and special courses and subjects are almost non-existent. In addition to the lower quality of program, it is in this area where the main inefficiencies and uneconomical operations exist. During the course of the study we observed many instances where small elementary and secondary schools exist within reasonable distances of larger more efficient schools. These conditions are not justified and cause an unreasonable expenditure for generally inadequate schooling.

While considerable progress has been made in consolidation of elementary schools and reduction in the number of one-room schools, there continues to be the need for further consolidations. Similarly, and of equal if not greater importance is the need to reduce to the absolute minimum the number of small high schools.

(2) The many small towns with independent financial responsibility are the main cause for the great extremes in local ability to support schools and the wide differences in local tax burdens for schools. The continuance of the many small units precludes the most effective utilization of the property tax base for local financing of schools.

(3) The meager programs offered in many of the small towns are frequently more costly than the better programs provided in the larger towns and cities. While some higher cost small schools are necessary and must be provided for, many of the existing cases are not necessary and are simply inefficient and uneconomical operations.

(4) With the present plan of distributing state aid on the basis of actual school costs of the towns and a percentage scale based on ability, the entire state is asked to participate in the financing of the inefficient operations which are really the responsibility of individual towns.

(5) With the many small towns which do not operate high schools but send their high school students to neighboring towns on a tuition basis, the desired

effect of local responsibility for schools is lost, since the sending towns do not participate in the policy making, administration and operations of the schools where their high school students are educated."

In accordance with the provisions of law, the Governor appointed, with the consent of the Council, four members to serve with the Commissioner of Education as a school district commission. The commission took immediate steps to carry out the instructions of the legislature and established policies and procedures to assist communities in developing an orderly pattern of school district reorganization. The commission established procedures for full citizen participation at the local level and required detailed local studies to be prepared for each reorganization proposal. The commission employed the firm of Pershing, Mitchell, Shetterly & Mitchell to review the procedures followed by the communities in establishing new school districts under the law, as well as using the constant advice and scrutiny of the Attorney General's office. Every step was carefully reviewed during the formation of the first two school administrative districts. The thoroughness of commission procedures has been vindicated in several decisions by the Supreme Judicial Court where action was brought against a district to test the legality of its formation. The commission acted continuously with competent legal advice to insure that every district formed would have fiscal and legal validity. Commission members and members of the State Department of Education made themselves available all over the State of Maine to meet with interested citizens and explain the provisions of the new law. Pamphlets were developed by the commission explaining the necessary steps and procedures in the formation of districts.

Better Education for Many Children -

As new high school and junior high school facilities have been constructed, dramatic improvements in the quality of the elementary program have been clearly visible. A number of one-room rural schools have closed; for the first time many elementary schools have had the advantages of: a central library, a pupil-teacher ratio of less than 30 to 1, a single grade per teacher, a school lunch program,

both instrumental and vocal music, facilities for teaching science to all pupils, a coordinated curriculum extending throughout the public school system.

At the junior high level boys have been provided their first opportunity to explore in the field of industrial arts, an opportunity to discover the possibilities of a life occupation through a skilled trade. Girls have been given an equal opportunity to work in a science laboratory, thus giving a six year sequence in the science fields.

For many junior high pupils, district reorganization has provided the first opportunity for grouping according to ability and interest; the first exposure to teachers who specialize in the subjects they are teaching; the first opportunity to study a second language; the first opportunity to have planned physical education activities so that bodies can develop to keep pace with the minds.

At the high school level, district reorganization provided the first opportunity for many pupils to receive transportation to school; have a choice of subject matter other than college or general subjects; be grouped by ability and interest so that maximum learning could take place. For many it was the first time they had been in classes large enough to offer a real challenge from classmate competition. For some it was their first opportunity to: work in an adequately equipped science laboratory; explore in a school library of adequate depth so that a real challenge was present; receive a four-year sequence in a second language, have the benefit of instruction from teacher specialists; see and use the tools of industry.

In 1958 the number of students taking vocational courses, in towns now in districts, was 1,776; in 1962 there were 2,252 students taking vocational courses. While the high school population increased 16% in the four-year period, the number of students taking vocational courses increased 27%. For many, reorganization brought the first opportunity to participate in debating, dramatics, foreign language clubs, choruses, bands, orchestras and a multiplicity of sports activities. Students graduating from the reorganized district high schools will have overcome

the prior handicap of being academically a full year behind their counterparts graduating from the larger high schools in the state. Boys and girls in reorganized school districts are being provided with new and exciting educational opportunities.

Of the studies by other states comparing size of school and academic achievement, two are worthy of note as we develop larger administrative units in Maine.

Dr. Burton W. Kreitlow, of the University of Wisconsin, has completed a 12 year study on the effects of reorganization. His summary - "School District Reorganization ... Does it make a difference in your child's education?" reveals that boys and girls in reorganized districts had greater educational opportunities and produced higher academic achievement, as shown by standardized achievement tests.

A similar study in the state of Iowa shows that students who graduate from high schools with fewer than 200 pupils are normally a full year, academically, behind their fellow students in larger high schools.¹

1. Study compiled by Dr. Leonard S. Feldt, State University of Iowa.

The School District Commission has operated under the following general policies:

1. All applications for district formation must be accompanied by a detailed study giving complete information on the proposed district.
2. This study shall be prepared by a local citizens' committee and shall contain detailed information on school population and growth trends; present curriculum and proposed changes; present buildings - future use of these buildings and need for new school construction; present transportation routes and changes that will be required when high school students are transported; the costs of operating schools as individual towns versus the cost of operating schools as a school administrative district.
3. The Commission has sent its employee to every area of the state upon the request of local communities to assist in explaining the law and in exploring the feasibility of various proposed district combinations. The Commission sent a display to the agricultural fairs throughout the state with information explaining district organization in order that citizens at the local level might be more fully informed.
4. The Commission has met with each citizens' study group to discuss the information provided and the proposals made. Recommendations have been made to each group on the basis of thorough study and discussion.
5. Applications for district formation have been approved or denied on the basis of the study, on the basis of whether or not the proposed district would best serve the needs of the entire geographical area and the State of Maine.
6. The Commission has been very conscientious about making certain that no district is formed in an area without giving every community a chance to participate. The rights and desires of each town have been fully protected.
7. The Commission has consistently opposed single town districts by legislative act, when such districts were being requested in order to qualify for additional state aid and to skirt the necessity of joining with other towns in district formation.
8. The Commission has recommended to the legislature the formation of districts in specific areas that could not reasonably meet the minimum requirements of 300 resident high school pupils.
9. The Commission has filed a report with each legislative session showing progress in district reorganization and making recommendations for changes in the law to strengthen the district reorganization pattern.
10. The Commission has met several times each legislative session with the education committee of the legislature to discuss matters of mutual concern.

Fall Enrollment 1963

School Administrative District	Elem. (Sp.-6)	Sec. (7-12)
#1 - Presque Isle area	2,033	1,329
#2 - Greenville and Shirley	341	307
#3 - Unity, Liberty area	934	695
#4 - Guilford area	687	547
#5 - Rockland area	1,548	1,145
#6 - Buxton, Hollis area	1,014	812
#7 - North Haven	52	31
#8 - Vinalhaven	152	119
#9 - Farmington area	819	704
#10 - Allagash Plt.	121	40
#11 - Gardiner area	1,710	1,257
#12 - Jackman, Moose River	103	85
#13 - Bingham area	315	255
#14 - Danforth and Weston	151	133
#15 - Gray and New Gloucester	636	481
#16 - Farmingdale and Hallowell	805	609
#17 - Norway and Paris	972	870
#18 - Prospect and Verona (All pupils tuitioned to Receiving town - Bucksport Bucksport)	* 129	* 90** 480
#19 - Lubec	367	254
#20 - Fort Fairfield	883	686
#21 - Carthage and Dixfield	365	301
#22 - Hampden and Newburgh Grades 9-12 tuitioned to Hampden Academy	944	211** 450
#23 - Carmel and Levant Grades 9-12 tuitioned to Hermon High School	388	94** 339
#24 - Van Buren area	1,288	705

School Administrative District	Elem. (Sp.-6)	Sec. (9-12)
#25 - Patten, Sherman area	474	373
#26 - Eastbrook and Waltham Grades 9-12 tuitioned to Ellsworth High School	52	7** 453
#27 - Eagle Lake, Fort Kent area	1,476	1,064
#28 - Cornish area - Not full enrollment in grades 9-12 - some pupils on tuition basis until new construction	403	220
#29 - Houlton area	1,171	992
#30 - Lee area Grades 9-12 tuitioned to Lee Academy	329	776** 270
#31 - Howland area	317	243
#32 - Ashland area	543	165
	<u>21,522</u>	<u>16,414</u>

* Figures used are April 1, 1963 enrollment since fall enrollment 1963 figures were not available for this District.

** These figures are resident pupils of Districts and are also included in the total secondary figure for the receiving town, but are not included in the overall total.

Of the 32 districts operating at present, five are in geographically isolated areas and are operating high schools with fewer pupils than is desirable. To maintain an educational program of real quality in these isolated areas will require a greater expenditure of money than is normally expended in larger systems, as well as our full ingenuity in devising workable programs for students in these situations.

Because Maine is a sparsely populated state, approximately ten school administrative districts will be formed in geographically isolated areas with school enrollments that are smaller than is desirable. Five of these districts are already formed and every attempt is being made in these districts to improve the curriculum and use the enrichments offered by educational television, traveling libraries, and other audio visual resources in order that adequate opportunities may be provided for the youth in these areas.

School Administrative Districts	Area in sq. miles	1960 Population	1963 Res. pupils	Val. per pupil	State const. aid
#1 - Presque Isle area	224	13,455	3,496	\$8,291	38%
#2 - Greenville and Shirley	94	2,239	596	5,410	55%
#3 - Freedom, Unity area	336	5,448	1,510	4,591	58%
#4 - Guilford area	207	4,462	1,195	4,326	60%
#5 - Rockland area	33	10,495	2,591	8,859	36%
#6 - Buxton, Hollis area	179	6,468	1,781	11,401	26%
#7 - <u>North Haven</u>	<u>12</u>	<u>384</u>	<u>98</u>	<u>21,212</u>	<u>18%</u>
#8 - Vinalhaven	23	1,273	266	7,789	41%
#9 - Farmington area	127	5,768	1,371	7,405	44%
#10 - Allagash Plt.	135	557	170	3,152	64%
#11 - Gardiner area	75	11,076	2,901	5,880	52%
#12 - Jackman and Moose River	87	1,189	169	12,580	18%
#13 - Bingham area	236	2,103	515	17,392	18%
#14 - Danforth and Weston	78	1,023	247	3,868	62%
#15 - Gray and New Gloucester	96	5,231	1,039	6,298	49%
#16 - Farmingdale and Hallowell	16	5,110	1,413	5,798	52%
#17 - Norway and Paris	118	7,334	1,652	8,441	38%
#18 - Prospect and Verona (Bucksport - contract)	25 (54)	347 (3,466)	203 (929)	3,919 (20,207)	62% (18%)

School Administrative Districts	Area in sq. miles	1960 Population	1963 Res. pupils	Val. per pupil	State const. aid
#19 - Lubec	33	2,684	553	6,759	46%
#20 - Fort Fairfield	73	5,376	1,515	7,314	44%
#21 - Carthage and Dixfield	68	2,693	667	5,125	55%
#22 - Hampden and Newburgh	68	5,219	1,466	5,604	52%
#23 - Carmel and Levant (Hermon - contract)	67 (37)	1,971 (2,087)	598 (617)	2,293 (5,225)	66% (55%)
#24 - Van Buren area	126	6,264	1,816	3,059	64%
#25 - Patten area	146	3,198	811	4,532	58%
#26 - Eastbrook and Waltham (Ellsworth - contract)	70 (93)	320 (4,444)	85 (996)	7,200 (12,443)	44% (21%)
#27 - Fort Kent area	202	8,063	2,459	2,698	66%
#28 - Cornish area	175	3,886	931	7,384	44%
#29 - Houlton area	147	10,474	2,150	8,926	36%
#30 - Lee area	191	1,813	492	3,015	64%
#31 - Howland area	156	1,965	496	4,784	58%
#32 - Ashland area	155	2,527	708	4,296	60%

Even with district reorganization, the wide difference among the units in ability to pay for quality education is readily evident. The continuing need for strong state financial support to those units with less taxable wealth is a certainty if we are to offer equal educational opportunities for Maine's youth.

SUMMARY OF VOTES ON DISTRICT FORMATION

1958 TO 1963

The Maine School District Commission received applications from two hundred and seven towns for district formation. Attempts at district formation have been made in fifty geographical areas. Thirty-three districts have been formed with one district dissolving, leaving thirty-two districts in operation today.

Votes have been cast on district formation in forty-seven geographical areas with three groups failing to bring the issue to a vote. A yes vote has been recorded in one hundred and forty-two municipalities; negative votes cast in fifty municipalities and fifteen municipalities failed to vote on district formation.

Some geographical areas have made more than one attempt at district formation. Thirteen areas have tried once and failed, with one group re-applying with fewer towns, but no request has been made for a vote on the question; four areas have tried twice and failed, ten districts were formed on the second try; five on the third try and eighteen districts formed on the first attempt.

A summary of the votes cast in favor of district formation shows a total of 16,409 yes and 5,325 no; a summary of votes cast where districts failed to form because of a negative vote in one or more municipalities, shows a total of 3,052 yes and 6,920 no votes. The total of both groups combined shows a total of 19,461 yes votes and 12,245 no votes. Of the sixty-five towns that have voted on district formation since April 1963, only twelve have voted against it.

SUMMARY OF SCHOOL DISTRICT FORMATION AND
THE VOTES TAKEN IN EACH MUNICIPALITY

School Administrative District #1
Organized July 17, 1958

	Yes	No
Presque Isle	220	10
Westfield	<u>72</u>	<u>16</u>
Totals	292	26

The following towns were added to District #1
on February 9, 1962:

Castle Hill	76	53
Chapman	56	29
Mapleton	252	244
District #1	<u>1,290</u>	<u>369</u>
Totals	1,674	1,195

School Administrative District #2
Organized October 15, 1958

District #2 dissolved on
September 25, 1961 by the
following vote:

	Yes	No
Castle Hill	67	11
Chapman	30	11
Mapleton	138	57
Perham	57	36
Wade	24	0
Washburn	<u>144</u>	<u>39</u>
Totals	460	204

Castle Hill	73	6
Chapman	86	4
Mapleton	247	13
Perham	38	12
Wade	10	13
Washburn	<u>117</u>	<u>52</u>
Totals	626	105

The following towns voted on a 12 town district:

Albion, Brooks, Freedom, Jackson, Knox,
Liberty, Monroe, Montville, Thorndike,
Troy, Unity, Waldo

Yes No

District did not form because of negative
vote in the town of:

Albion 151 130

The following towns voted on an 11 town district:

Brooks, Freedom, Jackson, Knox, Liberty,
Monroe, Montville, Thorndike, Troy, Unity, Waldo

Yes No

District did not form because of negative
vote in the town of:

Brooks 72 110

School Administrative District #3
Organized September 23, 1958

	Yes	No
Freedom	53	11
Knox	12	0
Liberty	38	11
Monroe	32	2
Montville	21	0
Thorndike	60	4
Troy	29	4
Unity	30	1
Waldo	41	1
Totals	<u>316</u>	<u>34</u>

The following towns were added to District #3
on March 5, 1959:

Brooks	127	94
Jackson	28	12
Totals	<u>155</u>	<u>106</u>

District #3 vote on:

Brooks	178	10
Jackson	177	11

School Administrative District #4
Organized October 11, 1958

Abbot	76	14
Cambridge	46	0
Guilford	99	14
Parkman	39	1
Sangerville	66	0
Wellington	36	0
Totals	<u>362</u>	<u>29</u>

(July 1958)

The following towns received warrants to
vote on district formation, but, because
of a negative vote in one town, no vote
was taken in the other.

	Yes	No
Benton, Fairfield	8	183

(October 1958)

The following towns voted on a 6 town district:

Bremen, Friendship, Jefferson, Hobleboro, Waldoboro, Washington	Negative votes in:	
	Friendship	48 98
	Jefferson	90 174
	Hobleboro	22 122
	Totals	<u>160 394</u>

The following towns voted on a 4 town district:

Owl's Head, Rockland, Rockport, South Thomaston	Yes	No
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District did not form because of a negative vote in the town of	Rockport	140	186
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School Administrative District #5
Organized November 24, 1958

	Yes	No
Owl's Head	92	4
Rockland	1,874	556
South Thomaston	42	8
Totals	<u>2,008</u>	<u>568</u>

(November 1959)

The following towns voted on the question
of joining School Administrative District #5,
with the exception of Thomaston where no vote
was taken because of the negative votes in
the other four towns:

	Yes	No
Cushing	10	27
Rockport	213	235
St. George	29	92
Warren	54	144
Totals	<u>311</u>	<u>548</u>

(December 1959)

The following town voted on joining
with School Administrative District #5:

Rockport	Rockport	140	186
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(January 1959)

Warrants to vote on district formation
were sent to the following towns:

Chelsea, Farmingdale, Gardiner, Pittston, Randolph, West Gardiner	Yes	No
--	-----	----

All towns did not vote because of negative
votes in the towns of:

Chelsea	34	41
Farmingdale	<u>116</u>	<u>275</u>
Totals	150	316

School Administrative District #11
Organized July 31, 1959

Gardiner	511	107
Pittston	130	0
Randolph	63	0
West Gardiner	40	0
Totals	<u>744</u>	<u>107</u>

School Administrative District #6
Organized January 2, 1959

	Yes	No
Duxton	242	124
Hollis	157	64
Limington	147	61
Standish	253	92
Totals	804	341

(January 1959)

The following towns voted on an 3 town district

Chesterville, Farmington, Industry, Mt. Vernon, New Sharon, New Vineyard, Temple, Vienna	Yes	No
--	-----	----

No district was formed because of
negative votes in

New Sharon	18	118
New Vineyard	26	40
Temple	7	49
Vienna	7	32
Totals	58	239

School Administrative District #9
Organized July 1, 1959

Chesterville	29	26
Farmington	47	9
Industry	13	0
Totals	89	35

(March 1959)

Warrants were issued to the following towns:

Dixmont, Hampden, Frankfort Newburgh, Winterport	Yes	No
---	-----	----

Negative vote in town of Winterport 171 350

Second attempt made by towns of

Dixmont, Hampden, Newburgh

Negative vote in town of Dixmont

School Administrative District #22
Organized November 13, 1961

Hampden	164	127
Newburgh	103	5
Totals	267	132

15

(March 1959)

Applications were filed by the following towns

Etna, Hartland, Newport, Plymouth,
St. Albans, Palmyra

No action was ever taken by the above-named towns.

(March 1959)

Warrants were issued to the following towns

		Yes	No
Corinna, Dexter, Exeter, Garland, Ripley, Stetson	Corinna	40	160
	Dexter	91	480
Negative vote in the towns of:	Exeter	4	32
	Garland	24	26
	Ripley	4	31
	Totals	<u>163</u>	<u>729</u>

(April 1959)

The following towns voted on district formation:

		Yes	No
Deer Isle, Stonington			
Negative vote recorded in the town of:	Deer Isle	95	177

(June 1963)

The following towns voted a second time
on district formation:

		Yes	No
Deer Isle, Stonington			
Negative vote in the town of:	Stonington	80	97

School Administrative District #7
Organized April 14, 1959

	Yes	No
North Haven	73	5 ✓

School Administrative District #8
Organized April 27, 1959

Vinalhaven	95	0
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(April 1959)

The following towns voted on district formation,
but no district was formed because of negative
votes in two towns

Bingham, Brighton Plt., Caratunk Plt.,
Hoscow, Pleasant Ridge Plt., The Forks Plt.,
West Forks Plt.

Negative votes were recorded in the following	Brighton Plt.	11	13
	Pleasant Ridge P.	12	28
	Totals	<u>23</u>	<u>41</u>

School Administrative District #13
Organized September 21, 1959

	Yes	No
Bingham	59	0
Caratunk Plt.	10	0
Hoscow	42	21
The Forks Plt.	11	7
West Forks Plt.	12	0
Totals	134	28

School Administrative District #12
Organized May 4, 1959

Allagash Plt.	24	0
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(May 1959)

Warrants were sent to the following towns:

Casco, Gray, New Gloucester, Windham

		Yes	No
Negative vote in town of	Casco	13	151

(July 1959)

The following towns made application to form a school district:

Gray, New Gloucester, Windham

		Yes	No
Negative vote recorded in the town of:	Windham	89	346

School Administrative District #15
Organized April 18, 1960

	Yes	No
Gray	315	274
New Gloucester	116	44
Totals	431	318

(September 1959)

Warrants issued to the following municipalities:

Farmingdale, Hallowell

		Yes	No
Negative vote in town of	Farmingdale	286	291

School Administrative District #16
Organized June 30, 1960

Farmingdale	492	464
Hallowell	382	55
	874	519

(October 1959)

The following towns received warrants to vote on district formation, but only one voted

	Yes	No
Jackman, Moose River		
Negative vote recorded in town of: Jackman	82	84

School Administrative District #12		
Organized November 16, 1959		
	Yes	No
Jackman	119	112
Moose River	29	4
Totals	<u>148</u>	<u>116</u>

Warrants were issued to the following towns to vote on district formation:

Codyville Plt., Danforth, No. 21 Plt., Princeton, Talmadge, Vanceboro, Waite, Weston

No vote taken in either Codyville Plt. or No. 21 Plt.

	Yes	No
Negative vote recorded in the towns of:		
Princeton	27	62
Talmadge	3	17
Vanceboro	12	64
Waite	1	6
Totals	<u>43</u>	<u>149</u>

School Administrative District #14
Organized March 28, 1960

	Yes	No
Danforth	76	0
Weston	53	0
Totals	<u>129</u>	<u>0</u>

(October 1959)

Warrants were issued to the following towns to vote on district formation:

Cornish, Hiram, Newfield, Limerick, Parsonsfield, Porter

	Yes	No
Negative vote recorded in towns of:		
Hiram	20	56
Porter	61	101
Totals	<u>81</u>	<u>157</u>

Warrants were issued for the following towns to vote on district formation:

Cornish, Limerick, Newfield, Parsonsfield

Negative vote in town of: 18 Newfield

School Administrative District #28
Organized June 3, 1963

	Yes	No
Cornish	133	3
Limerick	218	27
Newfield	112	56
Parsonsfield	254	36
Totals	<u>767</u>	<u>122</u>

The following towns voted on joining
School Administrative District #28:

	Yes	No		
Alfred	149	101		
Porter	266	95	Yes	No
Totals	<u>415</u>	<u>196</u>		

Negative votes in towns of	Hiram	112	150
	Waterboro	107	152
	Totals	<u>219</u>	<u>302</u>

District voted on towns of:

Alfred	542	589
Porter	1,033	111

The town of Porter became a member of School Administrative District #28 on
November 27, 1963.

(October 1959)

Votes taken in the following municipalities
on district formation:

		Yes	No
Caswell Plt., Limestone			
Negative vote in town of:	Limestone	25	44

(April 1963)

The following municipalities made a second
attempt at district formation:

Caswell Plt., Limestone			
A negative vote was recorded in the town of:	Limestone	74	79

(October 1959)

The following towns voted on district formation:

Carmel, Glenburn, Hermon, Levant			
Negative vote in the town of:	Hermon	55	157

School Administrative District #23
Organized February 10, 1962

	Yes	No
Carmel	129	28
Levant	73	21
Totals	<u>202</u>	<u>49</u>

District contracts with the town of Hermon for secondary education.

(December 1959)

Warrants were issued to the following municipalities to vote on district formation:

Enfield, Greenbush, Greenfield, Howland,
LaGrange, Maxfield, Passadumkeag, Seboeis Plt.

Yes No

Negative vote in the town of: Enfield 74 105

(March 1960)

Warrants were issued to the following municipalities to vote on district formation:

Enfield, Greenbush, Howland, LaGrange,
Maxfield, Passadumkeag, Seboeis Plt.

Negative vote in town of: Enfield 110 204

School Administrative District #31
Organized July 1, 1963

	Yes	No
Howland	84	39
Lowell	21	15
Maxfield	12	0
Passadumkeag	49	19
Seboeis Plt.	9	0
Totals	<u>175</u>	<u>73</u>

(February 1960)

Warrants were issued to the following towns to vote on formation of a district:

Bradford, Charleston, Corinth,
Hudson, Kenduskeag

Yes No

Negative votes in the towns of: Bradford 30 40
Corinth 74 77
Hudson 19 41
Total 123 158

(May 1963)

A second attempt was made with the following towns to form a district

Bradford, Corinth, Exeter, Hudson, Kenduskeag	Yes	No
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No district formed because of negative vote in the town of:	Bradford	45	123
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(March 1960)

Warrants were issued to the following towns to vote on district formation

Avon, Kingfield, Madrid, New Portland,
Phillips, Strong

Negative votes were recorded in the towns of	Kingfield	25	56
	Strong	16	45
	Totals	<u>41</u>	<u>101</u>

The following towns voted on district formation

Brownville, Hilo

Negative votes recorded in both towns	Brownville	11	280
	Hilo	35	164
		<u>46</u>	<u>444</u>

Warrants were received by the following towns to vote on district formation

Dennysville, Eastport, Pembroke, Perry

All towns did not vote, but a negative vote was recorded in the town of	Dennysville	17	21
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(February 1961)

Applications were filed by the following towns

Frenchville, St. Agatha

Warrants were not sent to these towns because of the necessity of legislative action.

School Administrative District #17
Organized June 28, 1961

	Yes	No
Norway	664	197
Paris	636	355
Totals	<u>1,300</u>	<u>552</u>

School Administrative District #18
Organized June 19, 1961

	Yes	No
Prospect	63	10
Verona	<u>51</u>	<u>30</u>
Totals	<u>114</u>	<u>40</u>

District #18 contracts with the town of Bucksport for education of all students.

School Administrative District #19
Organized June 29, 1961

Lubec	209	9
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School Administrative District #20
Organized November 21, 1961

Fort Fairfield	695	13
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School Administrative District #21
Organized October 23, 1961

Carthage	19	0
Dixfield	<u>176</u>	<u>9</u>
Totals	<u>195</u>	<u>9</u>

(March 1962)

The following towns received warrants to vote on district formation:

Yes No

Belfast, Northport, Swanville

Negative vote was recorded in the city of Belfast 221 873

(March 1962)

The following towns voted on the formation of a district:

Oakland, Sidney

Negative vote recorded in town of Oakland 156 248

School Administrative District #2
Organized April 13, 1962

	Yes	No
Greenville	34	39
Shirley	<u>23</u>	<u>5</u>
Totals	<u>107</u>	<u>44</u>

(August 1962)

Applications were received from the following towns and warrants mailed:

Hanchester, Readfield, Wayne, Winthrop

No action has been taken to bring the question to the voters of the towns.

School Administrative District #24
 Organized August 13, 1962

	Yes	No		
Cyr Plt.	23	5		
Grand Isle	69	2		
Van Buren	542	26		
Totals	634	33	Yes	No

A vote was taken in Hamlin Plt. to join District #24 - this was a negative vote Hamlin Plt. 20 22

A second attempt to join District #24 was made by Hamlin Plt. with the following results

Hamlin Plt. 33 32

Hamlin Plt. became part of District #24 on October 23, 1963

(September 1962)

Warrants were issued by the Commission for the following towns

Dexter, Garland, Ripley

Warrants have not been mailed to the towns at the request of the school committees involved.

(December 1962)

Warrants were mailed to the following towns to vote on district formation

Cumberland, North Yarmouth, Pownal

Yes No

A negative vote was recorded in the town of Cumberland 360 396

(June 1963)

A second attempt was made to form a school administrative district by the following towns

Cumberland, North Yarmouth, Pownal

A tie vote was recorded in the town of Cumberland 491 491

(December 1962)

The following towns voted on the formation of a school administrative district

Eagle Lake, Fort Kent, New Canada Plt., St. Francis Plt., St. John Plt., Wallagrass Plt.

No district was formed because of a negative vote in St. John Pl. 21 68

(May 1963)

School Administrative District #27

Organized May 27, 1963

	Yes	No
Eagle Lake	109	5
Fort Kent	256	23
New Canada Plt.	17	0
St. Francis Plt.	106	24
Wallagrass Plt.	23	0
Totals	<u>516</u>	<u>57</u>

(March 1963)

The following towns voted on district formation:

	Yes	No
Amity, Cary Plt., Haynesville, Hodgdon, Linneus, Ludlow, New Limerick		
Haynesville	14	24
Linneus	36	57
Ludlow	16	31
Totals	<u>66</u>	<u>112</u>

Negative votes were recorded in the towns of:

School Administrative District #25

Organized May 1, 1963

	Yes	No
Ht. Chase Plt.	34	6
Patten	175	159
Sherman	103	56
Stacyville	107	63
Totals	<u>424</u>	<u>284</u>

School Administrative District #26

Organized May 10, 1963

Eastbrook	64	5
Waltham	49	0
Totals	<u>113</u>	<u>5</u>

This District contracts with the city of Ellsworth for secondary education.

School Administrative District #29

Organized June 24, 1963

Hammond Plt.	17	8
Houlton	163	66
Littleton	122	21
Monticello	99	21
Totals	<u>401</u>	<u>116</u>

School Administrative District #30

Organized June 15, 1963

Lee	73	13
Prentiss Plt.	24	5
Springfield	65	41
Webster Plt.	10	0
Winn	46	29
Totals	<u>213</u>	<u>88</u>

(June 1963)

The following towns voted on district formation:

Corinna, Newport	Yes	No
A negative vote was recorded in the town of Newport	247	459

(October 1963)

Warrants were issued to the following municipalities to vote on district formation

Ashland, Garfield Plt., Masardis, Oxbow Plt., Portage Lake	Yes	No	
Negative votes were recorded in:	Masardis	30	39
	Oxbow Plt.	14	27
	Totals	<u>44</u>	<u>66</u>

School Administrative District #32
Organized November 29, 1963

	Yes	No
Ashland	104	98
Garfield Plt.	12	0
Portage Lake	23	2
	<u>139</u>	<u>100</u>

COURT CASES AND LEGAL OPINIONS

During the five years since the first school administrative district was formed, a substantial number of court decisions have been rendered in answer to legal questions raised as to the procedures followed by the School District Commission in issuing certificates of organization following votes. These decisions are recorded in MAINE REPORTS.

Title	Volume and page	
Opinion of the Justices	153	469
State of Maine vs. Elwell, et al.	156	193
McGary, et al. vs. Barrows, et al.	156	250
Elwell, et al. vs. Elwell, et al.	156	503
Blackstone, et al. vs. Rollins, et al.	157	35
Deavy, et al. vs. Hickerson, et al.	153	400
School Admin. District #3 vs. H. S. D. C., et al.	153	420

Major questions settled with answers given are as follows:

Opinion of the Justices 153 Maine 469

In compliance with the provisions of Section 3 of Article VI of the Constitution of Maine, we, the undersigned Justices of the Supreme Judicial Court, have the honor to submit the following answers to the questions propounded on January 13, 1958.

Question (I) Do any of the provisions of Sections 1 and 2 of Legislative Document 1637 (An Act Relating to Educational Aid and to Clarify the Procedure of Reorganization of School Administrative Units) delegate legislative power to the State Board of Education and the School District Commission in violation of Section 1 of Part First of Article IV of the Constitution of Maine?

Answer We answer in the negative.

The problem raised here is whether or not the Legislature has established adequate criteria which will control the exercise of a sound discretion by the State Board of Education or School District Commissions. We are satisfied that

these sections of the proposed Act furnish such standards. We note no instance in which powers which can be properly exercised only by the Legislature have been improperly delegated to any subordinate agency.

Question (II): Must every city or town that is a participating municipality in a school administrative district, consisting of two or more municipalities to be created under the provisions of Section 2 of Legislative Document 1637, take into account its proportionate part of the indebtedness incurred by such district in computing the extent of its ability to create debt or liability under the provisions of amended Section 15 of Article IX of the Constitution of Maine?

Answer: We answer in the negative.

A School Administrative District organized under the proposed Act, a "body politic and corporate" (Sec. 111-F), is separate and distinct from the municipalities participating in its creation. It is a quasi-municipal corporation of the familiar pattern of school, water, recreational, and sewerage districts. The indebtedness of a School Administrative District thus is not the indebtedness of such municipalities. *Kelley v. School District*, 134 Me. 414; *Hamilton v. Portland Pier Dist.*, 120 Me. 15; *Kennebec Water Dist. v. Waterville*, 96 Me. 234.

Question (III): Would a school administrative District, consisting of two or more municipalities to be created under the provisions of Section 2 of Legislative Document 1637, be subject in any manner to the provisions of amended Section 15 of Article IX of the Constitution of Maine limiting the amount of debt or liability that may be incurred by cities and towns?

Answer: We answer in the negative.

The Constitution reads in part, "No city or town shall hereafter create any debt or liability, which . . . shall exceed . . ." The limitation on municipal indebtedness applies to cities and towns and not to other entities, or, as here, a School Administrative District. Our Court has so held in the cases cited in our answer to Question (II).

Question (IV) Do the provisions of Section 2 of Legislative Document 1637 which allow two or more municipalities to join together to form a new municipality known as a School Administrative District, which district after its formation owns, operates, and controls all the public schools within the district, violate any of the provisions of Article VIII of the Constitution of Maine?

Answer We answer in the negative.

The issue arises from the words in Article VIII of the Constitution, 'A general diffusion of the advantages of education being essential to the preservation of the rights and liberties of the people; to promote this important object, the legislature are authorized, and it shall be their duty to require, the several towns to make suitable provision, at their own expense, for the support and maintenance of public schools . . .'

In *Savoy v. Gilmore*, 109 Me. 169, at p. 184, involving the constitutionality of the levy of a tax for the support of schools, our Court said with respect to Article VIII

'Who is to determine what is suitable? Clearly the Legislature itself.

'Suitable' is an elastic and varying term, dependent upon the necessities of changing times. That the Legislature might deem to be suitable and therefore necessary under some conditions, they might deem unnecessary under others.'

In 1876, in an Opinion of the Justices, 63 Me. 582, approving the constitutionality not of a particular bill but in general of a school mill tax, the suitable provision Article was referred to, and the Justices pointed out that the Legislature could do more. In brief, the Constitution marks the mandatory duty of the Legislature, but is not a prohibition upon its powers.

Municipalities providing for their public school system by the medium of School Administrative Districts will nevertheless thereby be making suitable provision for the support and maintenance of public schools, and by their proportional contributions to the expense incurred by such Districts will be in compliance with both the letter and spirit of the Constitution. The Legislature,

by making provision therefor, will have satisfied the mandatory constitutional requirements imposed upon it.

Question (V) Do any of the prohibitions against the passage of emergency legislation found in Section 16 of Part Third of Article IV of the Constitution of Maine, prevent the passage of Legislative Document 1637 as an emergency measure to become effective upon approval by the Governor?

Answer: We answer in the negative.

The Constitution reads, in part:

'An emergency bill shall include only such measures as are immediately necessary for the preservation of the public peace, health or safety; and shall not include (1) an infringement of the right of home rule for municipalities, (2) a franchise or a license to a corporation or an individual to extend longer than one year, or (3) provision for the sale or purchase or renting for more than five years of real estate.'

The preamble to the Act sets forth that, ' . . . it is essential that safe and adequate facilities for such administrative units be constructed without further delay.' Evidence of such facts would constitute a matter of public safety as a matter of law. Whether the facts so stated exist is for the Legislature, not for us to determine. *Morris v. Goss*, 147 Me. 39, 94. As for home rule, municipal plebiscites fulfill such requirements. The creation of a body politic and corporate is not the granting of a franchise or license within the meaning of the constitutional prohibition. The proposed Act contains no grant of any franchise or license but does no more than provide mechanics by means of which municipalities may initiate voluntary action to form School Administrative Districts. Nor does the Act by its terms produce or compel a sale, purchase or renting of real estate within the intendment of the Constitution.

Question (VI): Does Section 111-L of Legislative Document 1637 which provides for the financing of the operations of any School Administrative District to be created under this act violate Section 8 of Article IX of the Constitution of Maine?

Answer: The answer in the negative

The Constitution reads, in part:

'All taxes upon real and personal estate, assessed by authority of this state, shall be apportioned and assessed equally, according to the just value thereof;'

The Act proposed observes the requirements of the Constitution for equal taxation by adopting the state valuation. *Sawyer v. Gilmore*, 109 Me. 169, 188.

Dated at Augusta, Maine, this 14th day of January, 1958.

State of Maine vs. Elwell, et al.

This is an information in the nature of quo warranto commenced in the name of the State of Maine, against eleven individuals who it is alleged, are illegally holding themselves out as Directors of School Administrative District #3, purportedly elected under the provisions of Section 111-I, Chapter 364, P. L., 1957, commonly known as the Sinclair Act.

The information attacks the legality of the organization of the School Administrative District. The information sets forth in substance that the issuance of a certificate of organization by the School District Commission for the State of Maine was not in compliance with the provisions of Sections 111-F and 111-G, of the aforesaid statute, and that as a result of failure to conform with the requirements of these sections, the rights of the relators, guaranteed by the Fourteenth Amendment to the Constitution of the United States, have been infringed. It is averred that the eleven respondents are usurping the management of the public schools of the towns involved.

The information inquires by what warrant the respondents claim to have, use and enjoy the offices of School Directors and prays that investigation be made of their status and confirmed by the court, if valid; otherwise that the respondents be ousted.

The information in the nature of quo warranto was signed by the relators on July 16, 1959, and a few days later was endorsed by the Attorney General and filed in the Superior Court within and for the County of Waldo. An order of notice was issued and service duly made upon the respondents. The cause was set for a hearing and upon the day of the hearing, the Attorney General withdrew his appearance. No objection was made by the respondents to this withdrawal. The respondents promptly moved for dismissal on the grounds that the Attorney General is a necessary party in every stage in such a proceeding. The relators objected. Over their objections, the motion was granted and the cause dismissed. To this ruling, the relators excepted and the case is before this court upon these exceptions.

The only issue presented is whether or not the Attorney General may, after commencement of an information in the nature of quo warranto by relation of private citizens, dismiss or discontinue the information as of right, in the exercise of his discretion, without the assent of the relators.

Although this issue has been resolved in other jurisdictions, insofar as this court is concerned, it appears to be of novel impression.

The relators advance three main contentions in support of their positions, viz:

(1) After an information in the nature of quo warranto, duly endorsed by the Attorney General, has been filed in court, it becomes the prerogative of the relators to pursue the case to a final determination.

(2) If the Attorney General is to be regarded as a party to the proceeding, he cannot cause an information in the nature of quo warranto to be dismissed without the concurrence of the relators, and

(3) The Attorney General has exhausted his discretionary power once he has permitted an information in the nature of quo warranto to be filed in court, and he cannot thereafter cause a proceeding to be dismissed without concurrence of the relators.

In support of contentions of the relators that after an information in the nature of quo warranto, duly endorsed by the Attorney General, has been filed in court, it is then the prerogative of the relators to pursue their case to a final determination, it is argued that well recognized procedure in actions of this kind indicates that it is the relators who actually conduct and bear the brunt of the litigation.

The Maine Legislature enacted a statute in 1830 authorizing a person who claimed to be elected to a county office to proceed as in equity against the person holding or claiming such office. This was Section 1, C. 193, P. L., 1830. This section was amended by C. 260, P. L., 1893, extending the application of the statute to include municipal officers. These statutory provisions relating to contested elections are now included as Sections 84 to 88, inclusive, C. 5, R. S., 1954.

Before the enactment of these statutes pertaining to contested elections, the only existing process by which the right of a person claiming to be elected to a county or municipal office could be inquired into was by quo warranto, upon relation of the Attorney General.

Based presumably upon the premise set forth by counsel for the relators that it has been the practice, in cases where private individuals are actively interested, for such individuals to conduct the litigation in quo warranto proceedings instituted upon the relation of the Attorney General, the relators advance the statement that "from the review of the Maine cases it is apparent that by long-established rule in this jurisdiction the Attorney General is not regarded as an essential participant in quo warranto proceedings after the information passes from his hands into the hands of the court."

Such a contention is without support of any authority and is in utter disregard of the history and very nature of quo warranto. The Attorney General in actions of this kind is neither a nominal plaintiff nor a co-plaintiff with the relators. He is the person essential to the institution and maintenance of the process of quo warranto and the ordinary rules existing between co-plaintiffs as

to the power of dismissal without authority of the others is not applicable.

The law appears to be well established, that in the absence of a statute, the Attorney General directs and controls the proceedings.

We pass now to the third main contention of the relators to the effect that "the Attorney General has exhausted his discretionary power once he has permitted an information in the nature of quo warranto to be filed in court, and he cannot thereafter cause a proceeding to be dismissed without concurrence of the relators.

We are of the opinion that the relators have confused judicial discretion with the discretion of public officers.

"Judicial discretion is the capacity of the individual judge presiding over a particular court to perceive and apply to the facts of each case in judgment the law of the land, so that in each case the rights of the parties under the facts of the case may be declared and enforced according to the law of the land, and it is the exercise of the court's own judgment, within the law. It has been referred to frequently as a legal discretion, and cautious reasoning, and not a personal or individual discretion." 27 C. J. S., Discretion, Page 294.

"When applied to public functionaries, the term (discretion) refers to the power or right, conferred upon them by law, of acting officially in certain circumstances according to the dictates of their own judgment and conscience, uncontrolled by the judgment or conscience of others, - - - ." 27 C. J. S., Discretion, Page 290.

We are of the opinion that the institution of an information in the nature of quo warranto, upon the relation of the Attorney General, is a matter within the discretion of the Attorney General, and that the action cannot be maintained without his consent. He may, therefore, withdraw from the proceeding at his discretion, without the assent of the relators, and if he does so, the action is subject to dismissal, either on motion of the Attorney General, or, as was done in this case, upon motion of the respondents. Conceivably, a situation might arise in which the litigation has progressed to such a point where a dismissal might cause a grave injustice to the relators or the respondents. It is unnecessary for us to decide what our opinion might be in such a suggested state of circumstances. In the instant case, the withdrawal of the Attorney General, and the dismissal of the action, upon motion of the respondents, occurred before any action had been taken by the court upon the merits of the process.

The ruling of the presiding justice was in accordance with the law.

Exceptions overruled.

Article VIII of the Maine Constitution that "the Legislature is authorized, and it shall be their duty to require the several towns to make suitable provisions, at their own expense, for the support . . . of public schools; . . ." is mandatory not prohibitory and is not a limitation on Legislative power in the field of education.

Section 111-G of the Sinclair Act does not contain an improper delegation of legislative power. The School District Commission does not make law; it administers established law.

To inspect returns and declare the result of an election is a task administrative and not judicial in nature.

There is no constitutional obligation to submitting the question of the formation of a School Administrative District to popular vote of the municipalities involved; and it follows that there can be no valid objection to the act of the Legislature in providing that the determination of the outcome of the referendum be made by the Commission finally and without appeal.

Where there is no objection to the sufficiency of criteria or standards for the establishment of School Administrative Districts, the empowering of the Commission to find "that all other steps in the formation of the proposed School Administrative District are in order and in conformity with law," is not objectionable.

There is no valid constitutional objection either State or Federal to the action of the Legislature in making a certificate of the Commission conclusive evidence of the fact of incorporation (U. S. Const. 14th Amendment).

The interest of taxpaying inhabitants in the creation and establishment of a school district is not a property interest.

Section 111-H of the Sinclair Act is not objectionable as impairing the obligations on contract, where no given situation is presented for the court's consideration. The court cannot, however, anticipate issues, constitutional or otherwise, which might arise in the application of Sec. 111-H.

The issuance of a certificate of organization under Chap. 41, Secs. 111-A - 111-U, R. S., 1954 of the Sinclair Act is not void because made without notice and hearing, since the certificate by legislative mandate is conclusive evidence of the fact of incorporation, R. S., 1954, Sec. 111-G.
14th Amend. Constitution of U. S.

The rules contemplate that the pleader shall set forth plainly and concisely in numbered paragraphs, facts showing that the pleader is entitled to relief; and after these facts have been pleaded, the petition or complaint should end with a prayer, specifying the relief which is sought. Rule 3 (a), 10 (b).

A certificate of organization issued by the School District Commission shall be conclusive evidence of its lawful organization. cf. P. and S. L., 1959, Chap. 220.

A complaint alleging failure to comply with Sec. 111-T of Chap. 41 (which sets forth the requirements for calling a district meeting) would be insufficient and demurrable under old practice because no specific allegation was made as to manner of non-compliance, yet under the M.R.C.P. Rule 12 (b) and Rule 3 (f), the defendant could have had more specific allegations under Rule 12 (e) and because of his failure to seek more specific allegations, plaintiff was entitled to be heard on the allegations as stated.

The Legislature has authority to create school administrative districts directly by its own act without the intervening services of an administrative body.

The intention of the Legislature is plain and certain, that the certificate of organization issued by the School District Commission shall be conclusive evidence of its lawful organization.

The interest of the tax paying inhabitants in the creation of a school district is not a property interest.

School Admin. District #3 vs. H. S. D. C., et al.

153 Maine 420

An ultra vires contract is a contract which is beyond the power of a municipal corporation to make, and such a contract cannot be ratified.

Directors, having the authority to start an action, may later ratify the previous unauthorized act in instituting the action.

Personal property of a quasi-municipal corporation may be taken to pay any debt due from the body corporate.

A person dealing with officers or agents of a municipality does so at his peril, it is his duty to determine whether or not the parties with whom he is contracting were authorized to make the contract.

A committee, which has been given authority to make a certain contract on behalf of a municipal corporation, may ratify such a contract when made by a minority of its members.

Between 1958 and 1963 some unpublished cases have come before the court and the opinions of single justices become guidelines for the procedure used in the formation of school administrative districts.

In March 1960, Chief Justice Robert B. Williamson, in a case involving voting procedure in the town of Farmingdale, ruled that whenever municipalities are voting upon the question of district formation they shall vote in the same manner that they elect their municipal officers. That is to say, if municipal officers are elected by Australian ballot with the polls open a minimum of four hours then a like procedure shall be used in deciding whether or not to join a district.

A ruling from the Attorney General, on April 25, 1962, gives further guides as to voting procedure, stating that municipalities should vote for school directors at the same time that they vote on whether or not to join the district.

Some of the opinions of single justices in cases which went all the way through the Supreme Court are of particular interest.

Justice Dufresne, in an opinion issued March 5, 1962, in the case of Peavy vs. Wickerson in School Administrative District #3, uses language which reflects the age in which we live. "The plaintiffs assert in their brief that these proceedings are brought so as to prepare their attack on the law before the U. S. Supreme Court. The pad from which they say their legal rocket ship is now being prepared for launching is Londoner vs. Denver, Unless the plaintiffs in their count down realize that their vehicle must be completely overhauled, they shall witness the major fizzle of the century"

It should be noted that in the case of School Administrative District #3 vs. Maine School District Commission, et al., which opinion was issued by the Supreme Court on November 20, 1962, that the employment of an architect prior to a vote of the people on a bond issue does not constitute legal debt in the sense that it would prohibit the dissolution of a district. The Court seems to be saying that a board of directors may not employ an architect and expend money prior to authorization of the voters.

In the most recent case, and one which is still pending before the Supreme Court of the state, Canal National Bank vs. School Administrative District #3, Justice Webber, in ruling on the constitutionality of an act passed by the Legislature to allow the communities of Brooks, Liberty and Monroe to withdraw from School Administrative District #3, makes the following observations:

"I conclude that the implementation of Chapter 175 of the Private and Special Laws of 1963 would substantially impair, and in effect destroy, the original contract legally entered into between School Administrative District #3, as originally constituted, and the bond holders and would seek to substitute therefor a new and different contract between the new School Administrative District #3 created by the Act and the bond holders, which would be substantially different as to terms and liability. It is interesting to note, further, that the very nature of School Administrative District #3, as originally constituted, itself

rests upon a contract -- a contract entered into pursuant to the provisions of the R. S. of 1954, Ch. 41, as amended, by and between the eleven member towns. This contract itself is impaired by the implementation of the Act. The Constitution of the U. S., Article I Section 10 'No state shall pass any law impairing the obligation of contracts' The Constitution of Maine, Article I, Section 11 provides 'The Legislature shall pass no law impairing the obligation of contracts' I believe that equity requires that I take into account all of the interests of all of the parties here involved, having in mind that the education of children in public schools is involved, and that I employ the method of injunctive relief not only to protect the plaintiffs from irreparable injustice, but also to preserve and continue the orderly process of public school education. It is significant that the indebtedness created by the bond issue is within the debt limit of School Administrative District #3, as originally constituted, but would exceed the debt limit which would be permitted the new School Administrative District #3 created by the Act. The bond holders find themselves the owners of bonds which would not have been either legal or marketable if issued under the conditions created by the Act and they are in jeopardy of losing the value and marketability of bonds which they may need or desire to sell forthwith. Many public schools in Maine today are operated by school administrative districts organized exactly as was School Administrative District #3 as originally constituted. If by the implementation of the Act the credit and borrowing capacity of a district can be undermined and virtually destroyed, the credit and borrowing capacity of every other district in Maine will be seriously and adversely affected."

Each session of the legislature has taken positive steps to strengthen the provisions of the Act and to further encourage the formation of school administrative districts. Following are lists of special bills which were introduced at various sessions of the legislature, largely relating to the problem of communities wishing to remove themselves from existing districts.

Regular session of Legislature - 1959

Bill introduced by Sen. Cole on June 3, 1959, L. D. 1392, "An Act to Make Valid the Incorporation of School Administrative Districts Numbers 1, 2, 3, 4, 5, and 6."

The withdrawal of Liberty and Perham authorized; the bill did not pass.

L. D. 85, and L. D. 86 introduced by Sen. Cole - "An Act to Authorize the Town of Brooks (Jackson) to Join School Administrative District #3."

Special session - 1960

Bill submitted by Sen. Cole, L. D. 1438 - "An Act to Authorize the Withdrawal of the Town of Liberty from School Administrative District #3"

L. D. 1437, introduced by Sen. Cole - "An Act to Authorize the Withdrawal of the Town of Brooks from School Administrative District #3"

L. D. 1421, introduced by Rep. Mathieson - "An Act to Reconstitute School Administrative District #3"

All Districts from #7 through #13 were validated and reconstituted at the special session in 1960.

Bill introduced by Rep. Bragdon, L. D. 1406 - "An Act to Permit the Town of Perham to Withdraw from School Administrative District #2"

Regular Legislative session - 1961

L. D. 669, introduced by Rep. Beane - "An Act to Permit the Town of Moscow to Withdraw from School Administrative District #13"

Districts 14, 15, and 16 were validated and reconstituted at this session.

An act introduced by Rep. Perry - L. D. 829 - "An Act to Dissolve School

Administrative District #2 and to Authorize the Municipalities of Castle Hill, Chapman and Mapleton to form a School Administrative District"

L. D. 835, introduced by Rep. Westerfield - "An Act to Provide for the Dissolution of School Administrative District #3"

An act introduced by Sen. Sampson - L. D. 1075 - "An Act to Permit the Town of Moscow to Withdraw from School Administrative District #13"

L. D. 1110 introduced by Rep. Bragdon - "An Act to Permit the Town of Perham to Withdraw from School Administrative District #2"

L. D. 1178 introduced by Rep. Wood - "An Act to Authorize the Withdrawal of the Town of Brooks from School Administrative District #3"

An act introduced by Sen. Cole - L. D. 1071 - "An Act to Authorize the Withdrawal of the Town of Liberty from School Administrative District #3"

L. D. 1577 reported by Rep. Estes - a redraft of L. D. 1334 originally introduced by Rep. Westerfield entitled "An Act Relating to Additions and Dissolutions of School Administrative Districts"

Regular Legislative session - 1963

Acts to validate and reconstitute Districts #17 through #24 and the new School Administrative District #2 and the enlarged School Administrative District #1.

An act introduced by Sen. Brooks - L. D. 419 - "To Clarify the Procedure for the Dissolution of School Administrative Districts" a redraft of L. D. 777 and passed by the Legislature.

L. D. 641 introduced by Rep. Mathieson - "An Act to Validate the Bond Issue Vote in School Administrative District #3 and to Authorize the Board of School Directors to Enter Into a Lease Agreement with the Maine School Building Authority" - not passed by the Legislature.

L. D. 642 introduced by Rep. Wood - "An Act to Provide for the Dissolution of School Administrative District #3 - bill defeated.

L. D. 792 introduced by Sen. Cole - "Resolve Discharging the Town of Liberty from Indebtedness to the Maine School District Commission for Preparation of Agreement for Dissolution of School Administrative District #3"

L. D. 1579 introduced by Education Committee - a redraft of L. D. 642 originally introduced by Rep. Wood - "An Act to Provide for the Reorganization of School Administrative District #3"

At each regular session of the legislature, since the passage of the Sinclair Act, positive steps have been taken to strengthen and improve the provisions of the Act. Some of the accomplishments are as follows:

1. A regular updating of the per pupil allowances to keep the state-local partnership of sharing costs at a constant ratio.
2. A liberalization allowing communities to count tuition pupils in determining eligibility for construction aid.
3. Making all school projects approved since August 28, 1957 eligible for construction aid as soon as the municipality is part of a reorganized district.
4. Allowing new districts four years to provide one secondary facility and a program for 5 year old children.
5. A revision of the minimum salary law for teachers.
6. Making provisions for small towns to form districts and contract for secondary education.
7. Removed the provisions for withdrawal of a town from a district and substituted a provision allowing the dissolution of a district.

Factors That Have Slowed Down District Reorganization

Some of the factors which have tended to slow down necessary reorganization are as follows:

1. The fear that joining a district would result in a loss of local control.
2. A fear that joining a district would result in an increase in local taxes.
3. More districts have been lost because of local politics than have been lost because of the lack of merit in the reorganizational proposal.
4. The wide divergence in per pupil valuations among the communities has prevented districts from forming in areas where they should have formed.
5. The lack of a united front in the legislative halls aiming toward the reorganization of the entire state has acted as a deterrent on some communities which might have voluntarily moved ahead.

Effects of School District Reorganization

The effects of school district reorganization have been most evident at the secondary level. The following chart indicates the change in the number of pupils attending schools of various sizes in the State of Maine.

SECONDARY SCHOOLS OF MAINE SIZE OF SCHOOL AND PERCENTAGE OF PUPILS

Size of Unit	COMPARISON	
	Before Sinclair Act	Since Sinclair Act - 1963
	Percentage of pupils	Percentage of pupils
1-25	.5	.1
26-50	3.9	1.1
51-100	9.4	4.9
101-200	17.3	7.3
201-400	28.3	23.4
401-750	17.7	21.9
751-1000	5.4	16.0
Over 1000	17.5	24.8

SUMMARY

Size of Unit	Before Sinclair Act	Since Sinclair Act - 1963
	Percentage of pupils	Percentage of pupils
Under 200 pupils	31.1	13.9
201 pupils and over	68.9	86.1

One out of every four high schools operating with more than 300 pupils is operated by a school administrative district in 1963.

Districts Formed by Calendar Years and Number of Towns Involved

Year	Districts Formed	Towns Involved	Cumulative	
			Districts	Towns
1958	5	26	5	26
1959	8	23	13	49
1960	3	6	16	55
1961	(6 formed, 1 dissolved) Net 5	(10 added, 6 lost) 4	21	59
1962	3	10	24	69
1963	8	34	32	103

Approximately 50 more districts will be formed in the state, encompassing the municipalities which do not now operate large high schools.

What Makes a District Strong?

1. An adequate number of pupils; a minimum of 1200 pupils in grades 1-12.
2. A staff of teachers; one or more for each grade or subject. The ability to employ specialists in reading, health education, music, art, vocational education and guidance.
3. A good district has one or more elementary schools, at least one high school and, where possible, a junior college.
4. Travel. That elementary pupils be required to travel not more than 45 minutes and high school pupils not more than one hour each way between home and school.
5. School committee has ample resources from district and state funds to provide essential services on a sound basis.

People of the State of Maine are rightly concerned with the preservation of a reasonable amount of local control in our schools. Since we believe in local control, the local unit must be strong and not weak; adequate, not deficient; stable, not deteriorating. It is axiomatic that the surest road to strong, over-powering state control is to have weak, unstable and inadequate units. There is no finite educational program when once having been attained, will allow us to relax with confidence, feeling that perfection has been attained. There is no last mile for education, after which the quest is over, the trail moves ever onward.

As a result of its experience during the past six years, the Commission offers the following recommendations for legislative consideration:

1. That school administrative districts be permitted to operate more than one senior high school if the enrollment in each school is adequate to maintain quality of program and economy of operation.
2. The adoption of a uniform local tax effort in support of a basic program of education is essential if all communities are to work for equalized educational opportunities.
3. The legislature should consider the enactment of legislation which would require local officials of all communities not supporting a high school program enrolling 300 or more pupils to submit a redistricting plan to the State Board of Education, and, with State Board approval, to the local voters, at least once every three years until all communities of this size are in reorganized districts.
4. The legislature may wish to adopt legislation, patterned after the legislation of at least 20 other states, placing all communities in reorganized school districts, much as the present school unions were formed in 1917.

Conclusion:

There was once a world in which we nestled secure behind our ocean barriers, once a world in which a poorly educated citizenry did not seem especially dangerous. We cannot re-enter that world of our yesterdays.

Man has mated science to war to beget the jet-propelled bomber, germ warfare, the atomic bomb, and the guided rocket to roam the airways of the world sowing death by remote control.

In this world that science has built, America can hope to be strong and safe only at the price of a much better education than it is now giving its citizens. We dare not leave anywhere in the nation weak links caused by school districts offering shoddy education. Only through better education for all our citizens can we be strong to meet threats of a world that is now divided. And only through better education can we hope to produce a united peaceful world where freedom walks with justice. Only the right kind of education can wed science securely to human well-being.

There is no time to lose in strengthening school districts so that they may give the needed education. States must exercise their responsibility to make school districts satisfactory channels for good education as well as good instruments for local control. In this way alone can we give all of our people education to fit them "to discharge with justice, skill, and nobleness of soul all their duties both public and private."

School district reorganization is a key to better education; and improved education holds the key to a safer, better world. The key is ours to use today.

Tomorrow - ?¹

1. "A Key to Better Education", National Commission on School District Reorganization, NEA, Washington, D. C.

Respectfully submitted,

Maine School District Commission
Clifford L. Rosmond, Chairman

Original members

Dean Mark R. Shibles, Chairman
David Garceau, Vice-Chairman
Warren G. Hill, Secretary
Clifford L. Rosmond
J. Wesley Oliver

Members - 1963

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