

**CHAPTER 105**

**COMMUNITY SCHOOL DISTRICT**

**SUBCHAPTER 1**

**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.

[PL 1981, c. 693, §§ 5, 8 (NEW).]

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

[PL 1981, c. 693, §§ 5, 8 (NEW).]

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

[PL 1981, c. 693, §§ 5, 8 (NEW).]

**SECTION HISTORY**

PL 1981, c. 693, §§5,8 (NEW).

**§1602. Formation**

**(REPEALED)**

**SECTION HISTORY**

PL 1981, c. 693, §§5,8 (NEW). PL 2007, c. 240, Pt. XXXX, §14 (RP).

**§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. [PL 1981, c. 693, §§ 5, 8 (NEW).]

**SECTION HISTORY**

PL 1981, c. 693, §§5,8 (NEW).

**§1604. Transition to new district**

**(REPEALED)**

**SECTION HISTORY**

PL 1981, c. 693, §§5,8 (NEW). PL 2007, c. 240, Pt. XXXX, §15 (RP).

**SUBCHAPTER 2**

## 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. [PL 1981, c. 693, §§5, 8 (NEW).]

**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. [PL 1981, c. 693, §§5, 8 (NEW).]

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. [PL 1981, c. 693, §§5, 8 (NEW).]

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. [PL 1981, c. 693, §§5, 8 (NEW).]

[PL 1981, c. 693, §§5, 8 (NEW).]

**2. Duties.** The district board of trustees shall:

A. Meet on call of one of its members after reasonable notice; [PL 1981, c. 693, §§5, 8 (NEW).]

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; [PL 1981, c. 693, §§5, 8 (NEW).]

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; [PL 1981, c. 693, §§5, 8 (NEW).]

D. Handle requests of petitions for reapportionment in the manner provided for school administrative districts under section 1255; and [PL 1981, c. 693, §§5, 8 (NEW).]

E. Borrow funds as provided in section 1702. [PL 1981, c. 693, §§5, 8 (NEW).]  
[PL 1981, c. 693, §§5, 8 (NEW).]

**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.

[PL 1981, c. 693, §§5, 8 (NEW).]

**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 authorized 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.

[PL 1981, c. 693, §§5, 8 (NEW).]

### SECTION HISTORY

PL 1981, c. 693, §§5, 8 (NEW).

**§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. [PL 1981, c. 693, §§5, 8 (NEW).]

B. Members of the district school committee shall receive only the compensation authorized by the municipalities or school administrative units which they represent. [PL 1981, c. 693, §§5, 8 (NEW).]

[PL 1981, c. 693, §§5, 8 (NEW).]

**SECTION HISTORY**

PL 1981, c. 693, §§5, 8 (NEW).

**§1653. Election; vacancies**

**1. Representation on school committees in districts that do not include kindergarten and grades one to 12; districts that include kindergarten and grades one to 12; starting date for term of office.** Each member town's representation on the district's school committee, as determined pursuant to section 1651, subsection 2, paragraph C, must be chosen as follows.

A. In a district that does not include kindergarten and grades one to 12, the school committee of each member town shall choose from its membership the representation on the community school district's school committee to which that town is entitled. Membership on the district's committee is coterminous with the member's term of office on the school committee of the town that the member represents. [PL 1991, c. 655, §3 (AMD).]

B. In a district that includes kindergarten and grades one to 12, the member towns shall elect their representatives directly to the district's school committee as follows.

(1) For the purpose of nominations, the members of the school committee are considered municipal officers and must be nominated in accordance with Title 30-A, chapter 121, or in accordance with a municipal charter, whichever is applicable.

(2) Upon the election of the members to the school committee, the clerks of the several municipalities within the district shall forward the names of the members of the committee elected by each municipality to the secretary of the district's school committee.

(3) The terms of office are determined by lot as follows: One third of the members of the school committee serve one-year terms; 1/3 serve 2-year terms; and 1/3 serve 3-year terms. In the event the number of members is not evenly divisible by 3, the terms of the members represented by the integer obtained by dividing the number of members by 3 are determined by the preceding sentence; if one member remains, that member serves a 3-year term; if 2 members remain, one serves a 3-year term; and one serves a 2-year term, to be determined by lot. The members of the school committee serve their terms as determined and an additional period until the next regular election of the municipalities. Thereafter, their terms of office date from the time of each municipality's regular election. In a city where elections are held biennially, the term of each member is for 4 years, dating from the time of the regular city election and, following the initial election, the members choose by lot to see who will serve for 4 years and who will serve for 2 years. Thereafter, each member is elected to serve for 4 years. [PL 1991, c. 655, §3 (AMD).]

C. Notwithstanding paragraphs A and B, the voters of a district may vote on an appropriate article at meetings called by the municipal officers of the respective member towns, in accordance with section 1602, to establish a fixed common date for all newly elected school committee members to assume their terms of office. The common date must be subsequent to the last annual municipal election within the district, but may be no later than July 1st of the next fiscal year. The adoption of such a common date is conditional upon the favorable passage of this article at each of the meetings of the member towns. This paragraph does not apply to commencement of terms of office of members elected to fill vacancies. Vacancies are filled for the remainder of the unexpired term as provided in subsection 2, paragraph A. [PL 1993, c. 668, §1 (AMD).]

[PL 1993, c. 668, §1 (AMD).]

**2. Vacancies caused by death or resignation; declaration of vacancy; attendance as nonvoting member.** Vacancies caused by death or resignation are filled as follows.

A. A vacancy on a school committee of a district that does not include kindergarten and grades one to 12, whether caused by death, by resignation or by a member having changed residence from the town that the member was elected to represent, must be filled by the school committee of the town in which the vacancy occurs. A similar vacancy on a school committee of a district that includes kindergarten and grades one to 12 must be filled by the municipal officers of the municipality in which the member resided. The municipal officers shall select a new member from the municipality in which the old member resided to serve until the next annual municipal election at which time a replacement must be elected to serve the remainder of the unexpired term. Evidence that an individual is registered to vote in a municipality is prima facie evidence of that individual's residency. [PL 1993, c. 668, §2 (AMD).]

B. If any representative on the school committee in a community school district that does not include kindergarten and grades one to 12 is absent from 3 consecutive regular committee meetings, the committee may declare that a vacancy exists and the school committee in the representative's town may choose from among its members another representative to the community school committee. The new member must be chosen on the basis of seniority.

Except in municipalities having a municipal charter, if any representative on the school committee in a community school district that includes kindergarten and grades one to 12 is absent without excuse from 3 consecutive regular committee meetings, the committee may declare that a vacancy exists. The municipality shall elect another representative to the community school committee in the same manner as provided for original election under subsection 1, paragraph B. The successor serves for the remainder of the unexpired term. [PL 1991, c. 655, §3 (AMD).]

C. If a member of the school committee in a community school district that does not include kindergarten and grades one to 12 is absent from a meeting, the senior nonvoting member is allowed all the rights and privileges of the absent member. This paragraph applies only to a community with only one member on the community school committee. [PL 1991, c. 655, §3 (AMD).]

[PL 1993, c. 668, §2 (AMD).]

## SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1983, c. 422, §12 (RPR). PL 1983, c. 806, §§21,22 (AMD). PL 1987, c. 737, §§C48,C106 (AMD). PL 1987, c. 866, §3 (AMD). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,C10 (AMD). PL 1991, c. 655, §3 (AMD). PL 1993, c. 668, §§1,2 (AMD).

## §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.

[PL 1981, c. 693, §§5, 8 (NEW).]

**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; [PL 1981, c. 693, §§5, 8 (NEW).]

B. May issue bonds and notes and borrow money as authorized in this Title; [PL 1981, c. 693, §§5, 8 (NEW).]

C. May acquire and hold property for the purpose of operating schools within the authorized grade levels and for other purposes; [PL 1981, c. 693, §§5, 8 (NEW).]

D. Shall share costs in the manner authorized by the voters; and [PL 1981, c. 693, §§5, 8 (NEW).]

E. May acquire, construct and operate related recreational and athletic facilities, which may also meet other community needs. [PL 1981, c. 693, §§5, 8 (NEW).]

[PL 1981, c. 693, §§5, 8 (NEW).]

#### SECTION HISTORY

PL 1981, c. 693, §§5, 8 (NEW).

### SUBCHAPTER 3

#### 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.

[PL 1981, c. 693, §§5, 8 (NEW).]

**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.

[PL 1981, c. 693, §§5, 8 (NEW).]

**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, except that the school committee may delay the annual budget meeting to a date after July 1st in accordance with section 15693, subsection 2, paragraph C.

[PL 2005, c. 2, Pt. D, §11 (AMD); PL 2005, c. 2, Pt. D, §§72, 74 (AFF); PL 2005, c. 12, Pt. WW, §18 (AFF).]

**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.

[PL 1981, c. 693, §§5, 8 (NEW).]

**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 Title 21-A, section 122. [PL 1989, c. 502, Pt. A, §53 (AMD).]

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. [PL 1981, c. 693, §§5, 8 (NEW).]

[PL 1989, c. 502, Pt. A, §53 (AMD).]

**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.

[PL 1981, c. 693, §§5, 8 (NEW).]

**7. Majority vote.** A majority vote of those voters present and voting shall be necessary for the approval of the annual budget. An article must be voted on by written ballot if at least 10% of those present and voting vote to use a written ballot. The department, in consultation with municipal and school officials and with organizations representing those officials, shall develop and distribute guidelines to assist district budget meeting moderators in explaining and implementing this subsection.

[PL 1999, c. 710, §7 (AMD).]

**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 borrow funds to obtain additional moneys for the operation of the district's schools because of a financial emergency. [PL 1985, c. 12 (AMD).]

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. [PL 1981, c. 693, §§5, 8 (NEW).]

[PL 1985, c. 12 (AMD).]

**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 election held in accordance with the procedure set forth in section 15693, subsection 6. [PL 2005, c. 2, Pt. D, §12 (AMD); PL 2005, c. 2, Pt. D, §§72, 74 (AFF); PL 2005, c. 12, Pt. WW, §18 (AFF).]

B. An article dealing with the budget format may be placed before the voters at a properly called election 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. [PL 1983, c. 485, §17 (AMD).]

[PL 2005, c. 2, Pt. D, §12 (AMD); PL 2005, c. 2, Pt. D, §§72, 74 (AFF); PL 2005, c. 12, Pt. WW, §18 (AFF).]

**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.

[PL 1981, c. 693, §§5, 8 (NEW).]

**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. [PL 1981, c. 693, §§5, 8 (NEW).]

B. Unless authorized by the voters, the district school committee may not transfer funds between line item categories. [PL 2009, c. 571, Pt. E, §5 (AMD).]

[PL 2009, c. 571, Pt. E, §5 (AMD).]

**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 606-B must also be voted on.

[PL 2005, c. 2, Pt. D, §13 (AMD); PL 2005, c. 2, Pt. D, §§72, 74 (AFF); PL 2005, c. 12, Pt. WW, §18 (AFF).]

#### SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1983, c. 485, §17 (AMD). PL 1985, c. 12 (AMD). PL 1989, c. 502, §A53 (AMD). PL 1991, c. 429, §4 (AMD). PL 1999, c. 710, §§7-10 (AMD). PL 2005, c. 2, §§D11-13 (AMD). PL 2005, c. 2, §§D72,74 (AFF). PL 2005, c. 12, §WW18 (AFF). PL 2009, c. 571, Pt. E, §5 (AMD).

#### **§1701-A. Cost center summary alternative budget format**

**(REPEALED)**

#### SECTION HISTORY

PL 1999, c. 710, §11 (NEW). PL 2005, c. 12, §WW2 (AMD). PL 2009, c. 571, Pt. E, §6 (RP).

#### **§1701-B. Budget validation referendum**

**(REPEALED)**

#### SECTION HISTORY

PL 1999, c. 710, §11 (NEW). PL 2005, c. 2, Pt. D, §14 (AMD). PL 2005, c. 2, Pt. D, §§72, 74 (AFF). PL 2005, c. 12, Pt. WW, §18 (AFF). PL 2009, c. 571, Pt. E, §7 (RP).

#### **§1701-C. Mandatory budget validation and cost center summary budget form**

Notwithstanding any other law, community school district budgets developed after January 1, 2008 must conform to the format and referendum procedures for regional school units as set forth in sections 1485 and 1486. A community school district is deemed to be a regional school unit solely for the purpose of developing a budget pursuant to sections 1485 and 1486. [PL 2007, c. 668, §26 (AMD); PL 2007, c. 668, §55 (AFF).]

#### SECTION HISTORY

PL 2007, c. 240, Pt. XXXX, §16 (NEW). PL 2007, c. 668, §26 (AMD). PL 2007, c. 668, §55 (AFF).

#### **§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 must be repaid within a month of the end of the fiscal year; and [PL 1991, c. 121, Pt. A, §3 (AMD).]

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. [PL 1981, c. 693, §§5, 8 (NEW).]

[PL 1991, c. 121, Pt. A, §3 (AMD).]

**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 school committee determines in accordance with state law. [PL 1983, c. 485, §18 (AMD).]

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. [PL 1981, c. 693, §§5, 8 (NEW).]

[PL 1983, c. 485, §18 (AMD).]

**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. [PL 1981, c. 693, §§5, 8 (NEW).]

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. [PL 1981, c. 693, §§5, 8 (NEW).]

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. [PL 1981, c. 693, §§5, 8 (NEW).]

[PL 1981, c. 693, §§5, 8 (NEW).]

**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.

[PL 1981, c. 693, §§5, 8 (NEW).]

**5. Status.** A community school district shall be a quasi-municipal corporation within the meaning of Title 30-A, section 5701. The provisions of Title 30-A, section 5701, shall be applicable to it.

[PL 1987, c. 737, Pt. C, §§49, 106 (AMD); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8,10 (AMD).]

## SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1983, c. 485, §18 (AMD). PL 1987, c. 737, §§C49,C106 (AMD). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,C10 (AMD). PL 1991, c. 121, §A3 (AMD).

## §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.

[PL 1981, c. 693, §§5, 8 (NEW).]

**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.

[PL 1981, c. 693, §§5, 8 (NEW).]

**3. Monthly installments.** The district school committee shall notify the member municipalities of the monthly installments that will become payable during the fiscal year.

[PL 1981, c. 693, §§5, 8 (NEW).]

**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.



[PL 1981, c. 693, §§5, 8 (NEW).]

**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.

[PL 1981, c. 693, §§5, 8 (NEW).]

**6. Enforcement.** If a municipal treasurer fails to pay the installment due, or any part, on the dates required, to initiate collection procedures, the treasurer of the community school district may notify the municipal treasurer of the failure to pay. Interest accrues on each unpaid installment at the rate established under Title 36, section 186 beginning on the 60th day after the date the installment is due under subsection 4. If payment of an installment is not made within 60 days after the due date, the treasurer of the district may initiate an action in Superior Court to compel payment of the delinquent installment. The court shall determine the amount owed by the municipality to the district and shall order the municipal treasurer to pay all delinquent installments, accrued interest and any court costs and reasonable attorney's fees incurred by the district. To ensure prompt payment of the delinquent installments, the court may require that amounts due to the municipality from the State under Title 30-A, section 5681 and Title 36, sections 578 and 685 be paid to the district until the amount determined by the court is satisfied. The court shall promptly notify the disbursing state agency of the determination and direct the agency to make the required change in payee and the amounts to be paid. If additional funds are needed to satisfy the amount determined by the court to be paid to the district, the court may order the attachment or trustee process and sale of real or personal property owned by the municipality or the attachment of the municipality's bank accounts or require property tax payments to the municipality to be turned over to the court and may pay the amount owed the district from the proceeds and return any excess to the municipality.

[PL 2003, c. 212, §2 (RPR).]

**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.

[PL 1981, c. 693, §§5, 8 (NEW).]

#### SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 2003, c. 212, §2 (AMD).

#### §1704. Sharing costs

The following provisions apply to sharing district costs. [PL 1981, c. 693, §§5, 8 (NEW).]

**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; [PL 1981, c. 693, §§5, 8 (NEW).]

B. The fiscal capacity of each member municipality as defined in section 15672, subsection 23; [PL 2005, c. 2, Pt. D, §15 (AMD); PL 2005, c. 2, Pt. D, §§72, 74 (AFF); PL 2005, c. 12, Pt. WW, §18 (AFF).]

C. Any combination of paragraphs A and B; [PL 2001, c. 375, §4 (AMD).]

D. Any other formula authorized by the Legislature; or [PL 2001, c. 375, §4 (AMD).]

E. Any other factor or combination of factors that may, but need not, include paragraphs A and B. [PL 2001, c. 375, §4 (NEW).]

Notwithstanding paragraphs A to D, Title 30-A, chapter 208-A or any other provision of law, the state valuation used to calculate the shared cost for each municipality in a community school district with a municipal incentive development zone must include the increase in equalized just value of all industrial and commercial property located in the zone over the assessed value.

[PL 2005, c. 2, Pt. D, §15 (AMD); PL 2005, c. 2, Pt. D, §§72, 74 (AFF); PL 2005, c. 12, Pt. WW, §18 (AFF).]

**2. Amendment of formula.** The procedure for amending the cost-sharing formula is 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 or meetings to determine the necessity of reconsidering the method of sharing costs. [PL 2001, c. 375, §5 (AMD).]

B. Each member municipality must 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 or meetings to determine the necessity of reconsidering the method of sharing costs. A change in the method of sharing costs must be approved by a vote of a majority of those present and voting. [PL 2001, c. 375, §5 (AMD).]

B-1. Prior to the first meeting of member municipalities pursuant to paragraph A, the district shall engage the services of a facilitator selected from the list maintained by the commissioner under subsection 3, paragraph C. The facilitator shall:

- (1) At the first meeting, review and present data and information pertaining to sharing of costs within the district. Pertinent information may include, but is not limited to, the following:
  - (a) A description of the district's cost-sharing method, the elements involved in the calculation of each municipality's costs and a graphic depiction of the current and historic distribution of costs in the district; and
  - (b) If withdrawal of one or more district members is under consideration, the financial and educational impact of the withdrawal;
- (2) Solicit and prepare a balanced summary of the concerns of municipal officials, educators and the public about the current method of cost sharing; and
- (3) Develop a plan of action for consideration by the municipal representatives that responds to the information collected and the concerns raised. The plan of action must include a list of expectations for the conduct of the parties, options for proceeding and an assessment of the likely success of those options. [PL 2001, c. 375, §5 (NEW).]

B-2. If a majority of the representatives from each municipality meeting pursuant to paragraph A are unable to agree on a recommendation on what the cost-sharing method for the district should be, within 15 days following the last meeting a knowledgeable 3rd party must be selected in accordance with rules adopted pursuant to subsection 3, paragraph C. The district is responsible for compensating the 3rd party. The 3rd party shall:

- (1) Prepare a written summary of the process to date, including an assessment of the fairness, accuracy and responsiveness of the recommendations of the facilitator engaged pursuant to paragraph B-1;
- (2) Prepare an impartial recommendation regarding changing the method of cost sharing; and
- (3) Present the summary and recommendations to the municipal representatives for their consideration. [PL 2001, c. 375, §5 (NEW).]

B-3. At an advertised public hearing, the municipal representatives shall solicit public input on the 3rd party's recommendation for cost sharing required under paragraph B-2 and any alternative method or methods proposed by municipal representatives. [PL 2001, c. 375, §5 (NEW).]

C. Municipal approval must be in the same manner as the original formula was adopted when the community school district was formed, except that, if the proposed change is an alternative cost-sharing plan under subsection 1, paragraph E, the change must be approved by a majority of voters voting in a referendum in each municipality. The total vote cast in each of the member municipalities must be at least 20% of the number of votes cast in each of the member municipalities in the last gubernatorial election. [PL 2001, c. 375, §5 (AMD).]

D. A change in the cost-sharing formula is effective at the start of the next fiscal year which starts at least 90 days after the voters have approved it. [PL 2001, c. 375, §5 (AMD).]

[PL 2001, c. 375, §5 (AMD).]

**3. Departmental assistance.** The department shall provide the following services relating to changing district cost-sharing methods:

A. The provision of information and data relating to cost sharing, including, but not limited to, a description of a district's method of cost sharing, the total assessment, the per pupil cost and mills raised for education for district members and the calculation of member costs. The information must be district-specific, comprehensive, easily understood by the general public, presented in graphic and spreadsheet format and available over the Internet. Written copies of the information described and additional information requested must be provided by the department upon receipt of a written request from a district school board or the legislative body of any municipality member of a district; [PL 2001, c. 375, §6 (NEW).]

B. The provision of professional evaluation and assistance to districts and member municipalities considering changes in cost-sharing methods; and [PL 2001, c. 375, §6 (NEW).]

C. The establishment and maintenance of lists of qualified, available individuals to assist districts considering changes in cost-sharing methods as follows:

(1) Facilitators as required in subsection 2, paragraph B-1; and

(2) Knowledgeable 3rd parties as required in subsection 2, paragraph B-2.

In establishing the lists, the department shall seek input from the Maine Municipal Association and Maine School Management Association or successor organizations. The department may adopt rules to define the qualifications, responsibilities and selection of individuals on the lists. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter II-A. [PL 2001, c. 375, §6 (NEW).]

[PL 2001, c. 375, §6 (NEW).]

## SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1991, c. 802, §2 (AMD). PL 1993, c. 410, §F4 (AMD). PL 1993, c. 696, §2 (AMD). PL 2001, c. 375, §§4-6 (AMD). PL 2005, c. 2, §D15 (AMD). PL 2005, c. 2, §§D72,74 (AFF). PL 2005, c. 12, §WW18 (AFF).

### §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 a representative of the donor 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. [PL 1983, c. 806, §23 (AMD).]

B. If the gift is in trust the committee shall either deposit or invest trust funds according to Title 30-A, chapter 223, subchapter III-A. [PL 1987, c. 737, Pt. C, §§50, 106 (AMD); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8,10 (AMD).]  
[PL 1987, c. 737, Pt. C, §§50, 106 (AMD); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8,10 (AMD).]

**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 a representative of the donor 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.

[PL 1983, c. 806, §24 (AMD).]

## SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1983, c. 806, §§23,24 (AMD). PL 1987, c. 737, §§C50,C106 (AMD). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,C10 (AMD).

### §1706. Reserve fund

Community school districts may establish a reserve fund as follows: [PL 1989, c. 132, §3 (NEW).]

**1. Establishment.** A community school district may establish a reserve fund for school construction projects, financing the acquisition or reconstruction of a specific or type of capital improvement, financing the acquisition of a specific item or type of capital equipment or any of the expenditures listed under section 1485, subsection 1, paragraph A by including a request in the district budget, which must include a description of the purpose of the reserve fund, and receiving voter approval.

The district school committee is the trustee of the reserve fund. The reserve fund must be deposited or invested by the treasurer under the direction of the school committee.

[PL 2019, c. 588, §7 (AMD).]

**2. Deposit or investment.** All district funds, including reserve funds and trust funds to the extent that the terms of the instrument or vote creating the fund do not prohibit, shall be deposited or invested by the treasurer under the direction of the district school committee according to the requirements for the deposit or investment of municipal funds contained in Title 30-A, section 5706.

[PL 1989, c. 132, §3 (NEW).]

**3. Expending money from reserve funds.** The district school committee 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, except that the district school committee may expend funds from a reserve fund by a vote of the committee in accordance with the procedure in subsection 4:

A. In the event of an emergency that requires the immediate expenditure of funds and when, in responding to the emergency, a vote of the district for permission is cost-prohibitive; or [PL 2019, c. 588, §8 (NEW).]

B. When the expenditure is required by law. [PL 2019, c. 588, §8 (NEW).]  
[PL 2019, c. 588, §8 (AMD).]

**4. Procedure for expending money from reserve funds by vote of committee.** The procedure for the district school committee to expend funds from the reserve fund pursuant to subsection 3, paragraph A or B must be as follows.

A. The district school committee shall provide public notice of the regular or special meeting at which the vote to expend funds from the reserve fund will be taken. [PL 2019, c. 588, §9 (NEW).]

B. The district school committee shall hold a public hearing prior to the vote to expend funds from the reserve fund. [PL 2019, c. 588, §9 (NEW).]

C. The vote to expend funds from the reserve fund must be recorded in the meeting minutes of the district school committee. [PL 2019, c. 588, §9 (NEW).]

[PL 2019, c. 588, §9 (NEW).]

#### SECTION HISTORY

PL 1989, c. 132, §3 (NEW). PL 2019, c. 588, §§7-9 (AMD).

### SUBCHAPTER 4

#### REORGANIZATION

##### **§1751. Additions to, dissolution of and withdrawal from a district**

**(REPEALED)**

#### SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1999, c. 206, §2 (AMD). PL 2007, c. 240, Pt. XXXX, §17 (RP).

##### **§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. [PL 1981, c. 693, §§ 5, 8 (NEW).]

#### SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW).

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