



# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 1592

H.P. 1151

House of Representatives, April 18, 2019

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**An Act To Allow the Dissolution of Regional School Units  
Composed of a Single Municipality**

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Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative GRAMLICH of Old Orchard Beach.  
Cosponsored by Senator FARRIN of Somerset and  
Representatives: AUSTIN of Skowhegan, CURTIS of Madison, PERRY of Bangor, Senators:  
CHENETTE of York, DILL of Penobscot.

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

2 **Sec. 1. 20-A MRSA c. 103-A, sub-c. 7** is enacted to read:

3 **SUBCHAPTER 7**

4 **DISSOLUTION OF A REGIONAL SCHOOL UNIT**

5 **§1521. Dissolution of a regional school unit composed of a single municipality**

6 **1. Ten percent petition.** For a regional school unit composed of a single  
7 municipality, upon receipt of a petition for dissolution of 10% of the number of voters in  
8 the municipality who voted at the last gubernatorial election, the municipal officers shall  
9 call and hold a special election in the manner provided for the calling and holding of town  
10 meetings or city elections to vote on the dissolution of the regional school unit with the  
11 following criteria:

12 A. At least 10 days before the special election a posted or otherwise advertised  
13 public hearing on the petition for dissolution must be held by the municipal officers;  
14 and

15 B. The petition for dissolution must be approved by secret ballot by a 2/3 vote of the  
16 voters present and voting before it may be presented to the regional school unit board  
17 and the state board. Voting in towns must be conducted in accordance with Title  
18 30-A, section 2528 and section 2529, even if the town has not accepted the provisions  
19 of Title 30-A, section 2529, and voting in cities must be conducted in accordance  
20 with Title 21-A.

21 For purposes of this section, "municipality" and "municipal officer" have the same  
22 meanings as in Title 30-A, section 2001.

23 **2. Form.** The article to be voted upon pursuant to subsection 1 must be in the  
24 following form:

25 "Article .....: Be it resolved by the residents of the Town/City of  
26 ..... that a petition for dissolution be filed with the board of directors  
27 of Regional School Unit No. .... and with the State Board of Education.

28 Yes ..... No ....."

29 **3. Notice of vote; finding by regional school unit board.** If residents of the  
30 municipality vote favorably on a petition for dissolution under this section, the municipal  
31 clerk shall immediately give written notice, by certified mail, to the secretary of the  
32 regional school unit, the state board and the commissioner that must include:

33 A. The petition for dissolution adopted by the voters, including total number of votes  
34 cast in the affirmative and total number of votes cast in the negative; and

35 B. An explanation by the municipal officers stating, to the best of their knowledge,  
36 the reason or reasons why the municipality seeks to dissolve the regional school unit.

1           **4. Agreement for dissolution; notice; changes in agreement.** An agreement for  
2 dissolution must comply with the following.

3           A. The commissioner, after consultation with the regional school unit board,  
4 municipal officers of the municipality and representatives of the group that filed the  
5 petition for dissolution with the municipality, shall direct the municipality to select  
6 representatives to a committee as follows: one member who is a director of the  
7 regional school unit board representing the municipality selected by the directors  
8 representing that municipality, one member from the municipal officers selected by  
9 the municipal officers, one member from the group filing the petition selected by the  
10 municipal officers and one member from the general public selected by the municipal  
11 officers. The chair of the regional school unit board shall call a meeting of the  
12 committee within 30 days of the filing of the notice of the vote on the petition for  
13 dissolution in subsection 3. The chair of the regional school unit board shall open the  
14 meeting by presiding over the election of a chair of the committee. The responsibility  
15 for the preparation of the agreement for dissolution rests with the committee. The  
16 committee may draw upon the resources of the department for information not  
17 readily available at the local level. The agreement must be submitted to the state  
18 board and the commissioner within 90 days after the committee is formed. An  
19 extension of time may be granted by the commissioner upon request of the  
20 committee. The agreement for dissolution must:

21           (1) Contain provisions to provide educational services for all students served by  
22 the regional school unit. The agreement must provide that during the first year  
23 following the dissolution, students may attend the school that they would have  
24 attended if the regional school unit had not dissolved. The allowable tuition rate  
25 for students sent from one municipality to another in the former regional school  
26 unit must be determined under section 5804 and section 5805, except that the  
27 allowable tuition rate is not subject to the state per pupil average limitation in  
28 section 5805, subsection 2;

29           (2) Establish that the dissolution takes effect at the end of the regional school  
30 unit's fiscal year;

31           (3) Establish that the dissolution will not cause a need within 5 years from the  
32 effective date of dissolution for school construction projects that would be  
33 eligible for state funds. This limitation does not apply when a need for school  
34 construction existed prior to the effective date of the dissolution or when a need  
35 for school construction would have arisen even if the regional school unit had not  
36 dissolved;

37           (4) Establish how transportation services will be provided;

38           (5) Provide for administration of a school administrative unit, which would not  
39 include the creation of new supervisory units if at all possible, or joining another  
40 school administrative unit;

41           (6) Make provision for the distribution of financial commitments arising from  
42 outstanding bonds, notes and any other contractual obligations that extend  
43 beyond the effective date of dissolution;

1                   (7) Make appropriate provision for the distribution of any outstanding financial  
2                   commitments to the superintendent of the regional school unit;

3                   (8) If the municipality does not join another school administrative unit, provide  
4                   for the continuation and assignment of collective bargaining agreements as the  
5                   agreements apply to a new or reorganized school administrative unit for the  
6                   duration of those agreements and must provide for the continuation of  
7                   representational rights;

8                   (9) Provide for the continuation of continuing contract rights under section  
9                   13201;

10                  (10) Provide for the disposition of all real and personal property and other  
11                  monetary assets; and

12                  (11) If the municipality does not join another school administrative unit, provide  
13                  for the transition of administration and governance of the regional school unit to  
14                  properly elected governing body of the newly created school administrative unit.

15                  B. Within 60 days of the receipt of the agreement for dissolution, the state board  
16                  shall either give conditional acceptance or recommend changes with the advice of the  
17                  commissioner based upon the standards in paragraph A.

18                  C. If the state board gives conditional approval of the agreement for dissolution, the  
19                  commissioner shall notify the directors of the regional school unit board and the  
20                  municipal officers by certified mail of the time and place of a public hearing at least  
21                  20 days prior to the date set for the hearing to discuss the merits of the proposed  
22                  agreement for dissolution.

23                   (1) The directors of the regional school unit board shall post a public notice of  
24                   the time and location of the hearing at least 10 days before the hearing.

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

27                  D. If the state board recommends changes to the agreement for dissolution, it shall:

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

30                   (2) Indicate that the corrected agreement must go through the steps outlined in  
31                   paragraphs A, B and C or other steps that the state board determines appropriate.

32                  **5. Date of vote; notice; warrant; polling hours.** The date and time for voting on  
33                  the agreement for dissolution must be established as follows.

34                  A. The state board shall determine the date upon which the municipality votes upon  
35                  the agreement for dissolution submitted to the municipality. The election must be  
36                  held as soon as practicable and the state board shall attempt to set the date of the vote  
37                  to coincide with a statewide election.

38                  B. At least 35 days before the date set in paragraph A, the regional school unit board  
39                  shall give written notice by certified mail to the municipal clerk.

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

5           D. In the warrant, the municipal officers shall direct that the polls open at 10:00 a.m.  
6           and close at 8:00 p.m.

7           **6. Public hearing; municipal vote on agreement for dissolution; voting**  
8           **procedures.** The following requirements apply to the municipal vote on agreement for  
9           dissolution voting procedures.

10           A. At least 10 days before the municipal election on the agreement for dissolution, a  
11           posted or otherwise advertised public hearing on the article must be held by the  
12           municipal officers.

13           B. Except as otherwise provided in this section, the voting at the meeting held in  
14           towns must be conducted in accordance with Title 30-A, section 2528 and section  
15           2529, even if the town has not accepted the provisions of Title 30-A, section 2529.

16           C. The voting at the meeting held in cities must be conducted in accordance with  
17           Title 21-A.

18           **7. Article.** The article to be voted upon pursuant to subsection 6 must be in the  
19           following form:

20                   "Article .....: Shall Regional School Unit No. .... be dissolved  
21                   subject to the terms and conditions of the agreement for dissolution dated  
22                   ....., 20...?

23                                   Yes ..... No ....."

24           **8. Ballots; posting of agreement.** The agreement for dissolution need not be  
25           printed on the ballot. Copies of the agreement must be posted in the municipality in the  
26           same manner as specimen ballots are posted under Title 30-A, chapter 121.

27           **9. Determination of results; notification; execution of agreement.** Determination  
28           of the result of the vote on the agreement for dissolution must comply with the following.

29           A. Upon receipt of the result of the vote on the agreement for dissolution, the  
30           regional school unit board shall meet and compute and record the total number of  
31           votes cast within the municipality in the affirmative and the total number of votes  
32           cast in the negative on the article submitted.

33           B. The regional school unit board shall notify the state board by certified mail of the  
34           results of the vote.

35           C. If the state board finds that a majority of the voters voting on the article have  
36           voted in the affirmative, the state board shall notify the directors of the regional  
37           school unit board to execute immediately the terms of the agreement for dissolution.

38           **10. Determination of vote.** The municipal clerk shall, within 24 hours of  
39           determination of the result of the vote on the agreement for dissolution in the

1 municipality, certify the total number of votes cast in the affirmative and the total number  
2 of votes cast in the negative on the article to the regional school unit board.

3 **11. Recount; checklists and ballots; disputed ballots.** The following provisions  
4 apply to recounts, checklists, ballots and disputed ballots.

5 A. If, within 7 days of the computation and recording of the results of the voting  
6 under subsection 9, the municipal officers request to the commissioner in writing a  
7 recount of the votes, the commissioner shall immediately cause the checklists and all  
8 the ballots cast to be collected and kept at the commissioner's office so the ballots  
9 may be recounted by the municipality.

10 B. Notwithstanding any other provision of law to the contrary, the municipal clerk  
11 may deliver the checklists and ballots to the commissioner.

12 C. The commissioner shall resolve any question with regard to a disputed ballot.

13 **12. Execution of agreement; certified record; certificate of dissolution.** When  
14 the agreement for dissolution has been executed by the regional school unit board:

15 A. The regional school unit board shall notify the state board by certified mail that  
16 the agreement of dissolution has been executed;

17 B. The regional school unit board shall file a complete certified record of the  
18 transaction involved in the dissolution with the state board; and

19 C. The state board shall immediately issue a certificate of dissolution to be sent by  
20 certified mail for filing with the regional school unit board and shall file a copy in the  
21 office of the Secretary of State.

22 **13. Restriction on dissolution petitions.** A municipality that has voted on  
23 dissolution may not petition for dissolution under subsection 1 within 2 years after the  
24 date of the vote.

25 **14. Cost of agreement for dissolution and reimbursement.** Costs incurred in the  
26 dissolution process must comply with the following.

27 A. The expense of employment of competent advisors in preparing the agreement for  
28 dissolution must be paid by the state board.

29 B. If the residents of the municipality vote not to permit dissolution, the municipality  
30 petitioning for dissolution shall reimburse the state board for expenses. If the  
31 residents of the municipality vote to permit dissolution, the regional school unit shall  
32 reimburse the state board for expenses.

33 **15. Outstanding indebtedness defined; indebtedness after dissolution.** Whenever  
34 a regional school unit having indebtedness dissolves, the regional school unit shall remain  
35 intact for the purpose of securing and retiring the indebtedness. The dissolution  
36 agreement may provide for alternate means for retiring outstanding indebtedness.

37 "Outstanding indebtedness" means bonds or notes for school construction projects issued  
38 by the regional school unit board pursuant to the authorization established under chapter  
39 609 or Title 20, sections 3457 to 3460 or obligations pursuant to any contract, lease or

1 agreement made by the regional school unit board pursuant to approval in a meeting of  
2 the regional school unit but does not include any indebtedness of any municipality  
3 assumed by the regional school unit at the time of formation or any contract, lease or  
4 agreement of the Maine School Building Authority to which by operation of law the  
5 regional school unit has become the assignee.

6 **16. General purpose aid for local schools.** When a regional school unit dissolves,  
7 the general purpose aid for local schools for the municipality must be computed in  
8 accordance with chapter 606-B.

9 **SUMMARY**

10 This bill provides the steps necessary for a regional school unit composed of only one  
11 municipality to dissolve, including petitioning to dissolve the regional school unit,  
12 holding elections in the municipality, the provision of educational services for students  
13 and the disposition of outstanding indebtedness if the vote is to dissolve the regional  
14 school unit.