

## §1255. Reapportionment

The commissioner shall determine the necessity for reapportionment. [PL 1987, c. 395, Pt. A, §53 (AMD).]

**1. Duties of commissioner.** The commissioner shall determine if a district is apportioned in accordance with the principles of one person, one vote, if:

A. The commissioner receives a request by the board of directors; [PL 2003, c. 354, §1 (AMD).]

B. The commissioner receives a petition signed by district voters equal to at least 10% of the voters who voted in the last gubernatorial election in the district; or [PL 2003, c. 354, §1 (AMD).]

C. The commissioner determines a district is not apportioned according to the principles of one person, one vote. [PL 2003, c. 354, §1 (AMD).]

The commissioner shall make a determination under paragraph A or B within 30 days of receiving the request or the petition.

[PL 2003, c. 354, §1 (AMD).]

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

[RR 2019, c. 2, Pt. B, §1 (COR).]

**3. Findings and order.** If the commissioner finds the district's representation is not apportioned in accordance with the principle of one person, one vote, the commissioner shall, within 7 days of that decision, notify the superintendent of the finding and shall order the superintendent to notify the municipal officers in each municipality in the district and the school board to create a reapportionment committee. The superintendent's notification must include the commissioner's notification, the information provided pursuant to subsection 6 and the time and place for the first meeting of the committee, which must be held not later than 20 days after the notification.

[PL 2003, c. 354, §1 (AMD).]

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

[PL 1981, c. 693, §§5, 8 (NEW).]

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

[PL 1981, c. 693, §§5, 8 (NEW).]

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

[PL 2003, c. 354, §2 (AMD).]

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

A. Elect a chairman and secretary and may adopt suitable rules of procedure; [PL 1981, c. 693, §§5, 8 (NEW).]

B. Consider and by majority vote adopt a plan including the method of representation, total number of directors and number of directors representing each municipality or subdistrict; and [PL 1981, c. 693, §§5, 8 (NEW).]

C. Within 90 days of the first meeting, send a report of their plan to the state board for approval. It may, within the 90-day limit, submit alternative plans for apportionment. [PL 1981, c. 693, §§5, 8 (NEW).]

[PL 1981, c. 693, §§5, 8 (NEW).]

**8. Commissioner approval.** The commissioner shall approve or disapprove the committee plan within 30 days of receiving it.

[PL 1987, c. 395, Pt. A, §54 (AMD).]

**9. Failure to gain commissioner approval.** If a plan has not been adopted by the committee or approved by the commissioner within the time limits, the commissioner shall prepare a suitable plan.

[RR 2019, c. 2, Pt. B, §2 (COR).]

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

A. The approved plan shall be effective immediately. The committee shall determine the terms of the directors who shall be elected at the next annual municipal elections so as to comply with section 1253. [PL 1981, c. 693, §§5, 8 (NEW).]

B. If the approved plan requires a reduction of the number of directors to be elected in a municipality, the reduction must be achieved in accordance with this paragraph.

(1) If possible, the reduction must be achieved by the voluntary resignation of one or more of the directors.

(2) If the reduction can not be achieved in accordance with subparagraph (1) and the plan is approved and filed less than 30 days prior to the annual municipal election, the number of open positions to be filled by the election process must be reduced to the number required by the approved plan.

(3) If the reduction can not be achieved in accordance with subparagraph (1) or (2), or a combination of the 2, all of the remaining existing directors representing the municipality shall choose by lot which directors' terms must terminate. [PL 2003, c. 57, §1 (RPR).]

C. If the approved plan requires that additional directors be elected in a municipality, the municipal officers shall fill the vacancies by appointment. A new director shall serve until a successor is elected and qualified at the next annual municipal election. [PL 1983, c. 806, §17 (AMD).]

D. [PL 1993, c. 435, §3 (RP).]

E. The reapportionment committee shall thereupon be dissolved. [PL 1981, c. 693, §§5, 8 (NEW).]

[PL 2003, c. 57, §1 (AMD).]

**11. Duties of present directors during reapportionment.** The board of directors, during the reapportionment of its membership, shall serve as legal representatives of the district until the reapportionment is completed. The board shall carry out all business of the district, including the borrowing of necessary funds which may be required during the period of reapportionment.

[PL 1981, c. 693, §§5, 8 (NEW).]

**12. State board review of commissioner's decisions.** A school administrative district or interested parties may request that the state board reconsider decisions made by the commissioner in this section. The state board shall have the authority to overturn a decision made by the commissioner. In exercising this power, the state board is limited by this section.

[PL 1987, c. 395, Pt. A, §56 (NEW).]

**13. Rules.** The state board may adopt rules to carry out this section.

[PL 1987, c. 395, Pt. A, §56 (NEW).]

SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1983, c. 485, §10 (AMD). PL 1983, c. 806, §17 (AMD). PL 1987, c. 395, §§A53-A56 (AMD). PL 1993, c. 435, §3 (AMD). PL 2003, c. 57, §1 (AMD). PL 2003, c. 354, §§1,2 (AMD). RR 2019, c. 2, Pt. B, §§1, 2 (COR).

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