



# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

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Legislative Document

No. 1080

H.P. 758

House of Representatives, March 21, 2017

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**An Act To Prevent Economic Hardship in Maine School  
Administrative District 44**

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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 HEAD of Bethel.  
Cosponsored by Representatives: KINNEY of Limington, MADIGAN of Rumford, MAREAN of Hollis, ORDWAY of Standish.

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

2 **Sec. 1. Legislative findings.**

3 1. The Legislature finds that the Town of Newry, which is home to one of the premier  
4 ski resorts in the State, is a member of Maine School Administrative District 44 and,  
5 because of the specific situation presented by the existence of the ski resort, the requisite  
6 regional workforce and the relative taxable property value in Maine School  
7 Administrative District 44, together with the importance of public funding of education,  
8 Maine School Administrative District 44 is specifically exempted from the standard  
9 municipal cost-sharing formula in determining the local cost of education to member  
10 municipalities, pursuant to Public Law 2005, chapter 2, Part D, section 69.

11 2. The Legislature acknowledges that the only other school district that is specifically  
12 exempted by that provision of law from the standard municipal cost-sharing formula is  
13 Maine School Administrative District 6, of which the Town of Frye Island is a member,  
14 and that, in order to prevent economic hardship within the towns composing Maine  
15 School Administrative District 6, the Town of Frye Island is required by law to remain a  
16 member of Maine School Administrative District 6 and continue to pay its proportional  
17 share of costs of education in accordance with Private and Special Law 1997, chapter 41,  
18 Part A, section 8, as amended by Private and Special Law 2001, chapter 8, section 1.

19 3. The Legislature finds that a committee composed of members of the towns within  
20 Maine School Administrative District 44 presented to the voters in Maine School  
21 Administrative District 44 in November 2016 a proposal to amend the cost-sharing  
22 formula used to fund education and that proposal failed at referendum.

23 4. The Legislature finds that the Town of Newry has expressed the goal of  
24 withdrawing from Maine School Administrative District 44 and tuitioning its students  
25 back to that same school district at an increased expense to neighboring towns.

26 5. The Legislature finds that the withdrawal of the Town of Newry from Maine  
27 School Administrative District 44 would impose an unsustainable economic hardship  
28 upon the residents of the remaining towns within Maine School Administrative District  
29 44 through significant shifting of the property tax burden to a more localized valuation  
30 base, and the Legislature therefore finds that it is in the greater public interest that the  
31 Town of Newry continue to remain a member of Maine School Administrative District 44  
32 and continue to pay its proportional share of costs of education.

33 6. Because the advantages of education are essential to the preservation of the rights  
34 and liberties of the people, it is the duty of the Legislature under the Constitution of  
35 Maine, Article 8, Part First, Section 1 to require towns to provide for the support and  
36 maintenance of public schools.

37 **Sec. 2. Prohibition on withdrawal from school administrative district.**

38 Notwithstanding any withdrawal proceedings initiated or completed pursuant to the  
39 Maine Revised Statutes, Title 20-A, former section 1405, Title 20-A, section 1466 or any  
40 other provision of law to the contrary, the Town of Newry is part of and may not

1 withdraw from Maine School Administrative District 44 and shall pay its proportional  
2 share of costs as required in Public Law 2005, chapter 2, Part D, section 69.

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### **SUMMARY**

4 This bill maintains the existing ad valorem cost-sharing agreement of the members of  
5 Maine School Administrative District 44 by requiring the Town of Newry to remain a  
6 member of that district. The bill expresses the Legislature's findings that the Constitution  
7 of Maine requires municipalities to support public schools, that there exists established  
8 precedent for prohibiting the withdrawal of a municipality from a school district and that  
9 the residents of the school district have considered and rejected an amendment to the  
10 cost-sharing formula used to fund education and have expressed objection to the use of  
11 the withdrawal process for the purpose of tuitioning students back to the same school  
12 district at increased expense of neighboring towns.