

MAINE STATE LEGISLATURE

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(EMERGENCY)

O N E - H U N D R E D T H L E G I S L A T U R E

Legislative Document

No. 582

H. P. 407

House of Representatives, January 19, 1961

Referred to Committee on Legal Affairs. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Cox of Dexter.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

AN ACT to Incorporate the Town of Garland School District.

Emergency preamble. Whereas, the present buildings which house the schools of the Town of Garland are overcrowded and inadequate; and

Whereas, it is imperative that action be taken at the earliest possible moment to relieve these conditions; and

Whereas, the overcrowded and antiquated conditions of the schools are detrimental to the public welfare; and

Whereas, new building construction is vitally necessary to provide suitable facilities for the students of Garland; and

Whereas, the borrowing capacity of the Town of Garland will not allow it to borrow sufficient funds for necessary construction and equipment; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health, and safety; now, therefore.

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

Sec. 1. Incorporation; name; purposes. Subject to the provisions of this act, the inhabitants of and the territory within the Town of Garland are created a body politic and corporate under the name of "Town of Garland School District," for the following purposes for the benefit of the inhabitants of the district:

- I. To acquire property within the Town of Garland for school and related athletic and recreational facilities ;
- II. To erect, enlarge, equip, maintain and repair an elementary school and related athletic and recreational facilities ;
- III. To lease any property of the district to the Town of Garland ;
- IV. To accept and hold property of any type contributed by any means and to use it to carry out the purposes specified in this act.

Sec. 2. Trustees; powers; duties; limitations. The affairs of the district shall be managed by a board of 5 trustees who, acting for the district, have the powers necessary to carry out this act. The choice of teachers to serve in the school, the fixing of their salaries, the courses of study, the terms of school and all other matters pertaining to the education of pupils shall be controlled by the superintending school committee of the Town of Garland.

Sec. 3. Trustees; how elected, tenure of office; organization of board; officers, vacancies, compensation, reports. As soon as may be after the acceptance of this act as hereinafter provided, the inhabitants of the Town of Garland shall elect 5 trustees of said district to hold office as follows: One until the annual town meeting in 1962, one until the annual town meeting in 1963, one until the annual town meeting in 1964, one until the annual town meeting in 1965, and one until the annual town meeting in 1966. At each annual town meeting of the Town of Garland beginning with the annual town meeting in 1966, one trustee shall be elected to serve until the annual town meeting occurring 5 years thereafter, and until another trustee is elected and qualified in his stead.

When a trustee ceases to be a resident of the district his office becomes vacant. A vacancy on the board of trustees occurring because of change of residence, resignation, death or any cause except normal expiration of term of office shall be filled by the municipal officers of the Town of Garland for the unexpired portion of the term of the vacant office. All trustees are eligible for reelection or reappointment.

The members of the board, as soon as convenient after they have been chosen as above provided, shall meet upon call of one of their number after such reasonable notice as he shall deem proper. They shall then elect from their membership a president, clerk and treasurer, adopt a corporate seal and do all other acts, matters and things necessary to perfect their organization. Thus organized the trustees shall have the right and authority to employ such officers and agents as they may deem necessary for the proper conduct and management of the affairs of the district. The trustees shall serve without compensation. At the close of the fiscal year, the trustees shall make a detailed report of their proceedings, the financial condition of the district and the physical condition of its property, and any other things pertaining to the district which shall show the inhabitants how the trustees are fulfilling the duties of their trust. This report shall be made and filed with the municipal officers of the Town of Garland annually, not later than February 1st.

Sec. 4. How financed. To procure funds to carry out the purposes of this act and to cover necessary expenses, the district may issue bonds and notes, but

may not incur a total debt exceeding \$65,000. Each bond and note shall have inscribed on its face the words "Town of Garland School District", shall bear interest at rates determined by the trustees, payable semiannually, and shall be subject to other provisions determined by the trustees. The bonds and notes may be issued to mature serially or made to run for periods determined by the trustees, but none may run for a longer period than 25 years from the date of its original issue. All bonds and notes issued by the district shall be signed by the treasurer and countersigned by the president of the district, and if coupon bonds be issued, each coupon shall be attested by the facsimile signatures of the president and treasurer printed thereon. The bonds and notes are legal obligations of the district, which is declared to be a quasi-municipal corporation within the meaning of the Revised Statutes of 1954, chapter 53, section 137 and chapter 90-A, section 23, as enacted by the public laws of 1957, chapter 405, section I and all the provisions of said sections shall be applicable thereto. Said bonds and notes are legal investments for savings banks. The trustees may contract with the Federal or State Government, or any corporation or board authorized by the Federal or State Government to loan money or otherwise assist in the financing of a project such as this district is authorized to carry out.

Sec. 5. Sinking funds; refunding bonds provided for. Where bonds or notes at any time issued are made to run for a period of years, as distinguished from serial maturity, the trustees shall establish a sinking fund for the purpose of redeeming them when they become due. The amount to be paid annually into the sinking fund shall be not less than 4% of the total principal amount of the bonds or notes originally issued. In addition to the annual sinking fund payment, the trustees may from time to time add to the sinking fund any money of the district not required for other purposes. Money in a sinking fund may be deposited in any savings bank within the State or invested as are the funds of savings banks as provided in the Revised Statutes of 1954, chapter 59, section 19-I, as enacted by section 1 of chapter 380 of the public laws of 1955. Interest earned or capital gains realized on invested funds shall be added to the sinking fund. When the amount accumulated in the sinking fund is sufficient to pay at maturity or, at the option of the trustees, to redeem the bonds or notes for the benefit of which the sinking fund was established, further payments to the sinking fund shall cease.

When any bonds or notes issued by the district become due or may be purchased or redeemed by the district on favorable terms, the trustees, if sufficient funds have accumulated in the sinking fund, shall pay, purchase or redeem the bonds or notes and cancel them. Bonds or notes so paid, purchased or redeemed may not be reissued.

If the amount in the sinking fund is not sufficient to pay the total amount, when due, of the bonds or notes for which it was established, or in case it is desirable in the opinion of the trustees to redeem any outstanding bonds or notes and to issue new bonds or notes in their stead, the district may issue new bonds or notes sufficient in amount to redeem as many of the original bonds or notes as cannot be redeemed from the sinking fund but the new bonds or notes shall mature within 25 years from the date of issue of the original bonds or notes so refunded.

Sec. 6. Assessment of taxes authorized to meet indebtedness; how collected; procedure. The trustees of the Town of Garland School District shall determine the sum required each year for sinking fund payments, or if bonds or notes are issued to mature serially, the sum required each year to meet the bonds and notes falling due, the sum required each year to meet the interest on the bonds or other obligations, and the sum required each year to meet other necessary expenses in the district, and shall annually, before the first day of April, issue their warrant in the same form as the warrant of the Treasurer of State for state taxes, with proper changes, to the assessors of the Town of Garland, requiring them to assess the total sum so determined on the taxable polls and estates within the district and commit their assessment to the constable or collector of the Town of Garland, who has the same power to collect the tax as is vested in him by law to collect state, county and municipal taxes. On or before the 31st day of December of the year in which the tax is so levied, the treasurer of the Town of Garland shall pay the amount of the tax so assessed against the district to the treasurer of the district. In case of failure on the part of the treasurer of the town to pay the sum, or in case of his failure to pay any part of it on or before the 31st day of December of the year in which the tax is levied, the treasurer of the district may issue his warrant for the amount of the tax, or so much of it as remains unpaid, to the sheriff of Penobscot County, requiring him to levy by distress and sale on real and personal property of any of the inhabitants of the district, and the sheriff or any of his deputies shall execute the warrant. The authority vested by the statute in county officials for the collection of county taxes is vested in the trustees of the district in relation to the collection of taxes within the district.

Sec. 7. Provision for termination of the board of trustees. When the school building and related facilities have been completed and occupied by pupils of the district, the board of trustees of the district has discharged all of its principal obligations and the property of the district is free of all debt, the board of trustees shall automatically cease to function and the management of the property of the district shall revert to the superintending school committee of the Town of Garland and the president and treasurer of the district shall cause to be executed, signed and delivered a sufficient deed of all the property of the district to the Town of Garland. All money remaining in the treasury of the district at the time the trustees cease to function shall revert to the Town of Garland.

Sec. 8. Authority to receive property from Town of Garland. The Town of Garland School District may receive from the Town of Garland, and the Town of Garland may convey to the district, any property of the Town of Garland held for elementary school purposes and any money or other assets which the Town of Garland obtains for elementary school purposes. Before conveying any property, funds or assets the municipal officers of the Town of Garland must be duly authorized to do so by the voters at any annual or special town meeting.

Emergency clause; referendum; effective date. In view of the emergency cited in the preamble, this act shall take effect when approved, only for the purpose of permitting its submission to the voters of the Town of Garland at

any regular or special town meeting called for the purpose not later than 8 months after approval of this act. Any special meeting shall be called, notified and conducted according to law, but the selectmen in the Town of Garland need not prepare for posting, nor the town clerk to post, a new list of voters. For the purpose of registration of voters, the selectmen shall be in session one hour next preceding the special meeting.

The town clerk shall prepare the required ballots, on which he shall reduce the subject matter of this act to the following question: "Shall the Act to Incorporate the Town of Garland School District, passed by the 100th Legislature, be accepted?" The voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same.

This act shall take effect immediately upon its acceptance by a majority of the voters voting at said meeting, but only if the total number of votes cast for and against the acceptance of this act is at least 20% of the total vote for all candidates for Governor in the Town of Garland at the next previous gubernatorial election.

The result of the vote shall be declared by the municipal officers of the Town of Garland and a due certificate thereof shall be filed by the town clerk with the Secretary of State.