

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

(Transmitted by Director of Legislative Research pursuant to joint order.)

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

Legislative Document

No. 1203

H. P. 1845

House of Representatives, March 2, 1949.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Webber of Bangor.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-NINE

AN ACT to Create the City of Bangor School District.

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

Sec. 1. Incorporation; name; purposes. Subject to the provisions of sections 7 and 9 hereof, the inhabitants of and the territory within the city of Bangor are hereby created a body politic and corporate under the name of "City of Bangor School District" for the purpose of acquiring property within the said city for school and related athletic and recreational purposes; for the purpose of erecting, enlarging, repairing, equipping and maintaining on said property a school building or school buildings for school purposes and related athletic and recreational facilities; for the purpose of completing, grading, furnishing, rebuilding, renovating and otherwise bettering the condition of any or all buildings within said city used for school purposes or which may hereafter be used for school purposes; for the purpose of leasing or letting any property of said district to said city; for the purpose of receiving, accepting and holding gifts, grants or devises or property real, personal or mixed to be used for school and related athletic and recreational purposes; all for the benefit of the inhabitants of said district.

Sec. 2. Trustees, powers and duties; limitations. All the affairs of said district (except election of teachers who shall serve in said schools and the

fixing of their salaries, the course of study, the terms of school and all other matters pertaining to the education of pupils, which matters now are and which may hereafter arise, shall be controlled by the school board of the city of Bangor) shall be managed by a board of 5 trustees who shall be bona fide residents of the city of Bangor and who shall be elected as hereinafter provided. The board of trustees, acting for said district, shall have and exercise all the powers and authorities necessary to carry out the purposes of this act and the powers and authorities granted herein.

Sec. 3. Trustees; how elected, tenure, organization, etc. As soon as may be after the acceptance of this act, as hereinafter provided, the city council of the city of Bangor shall elect 5 trustees of said district, to hold office as follows respectively: 1 until the next annual municipal election following acceptance of this act; 1 until the 2nd annual municipal election thereafter; 1 until the 3rd annual municipal election thereafter; 1 until the 4th annual municipal election thereafter; and 1 until the 5th annual municipal election thereafter.

Thereafter the city council of Bangor shall annually elect 1 trustee to serve for the term of 5 years, beginning with the annual municipal election after the acceptance of this act, so that there shall be annually elected 1 trustee.

If at any annual municipal election there shall exist a vacancy in an unexpired term, the city council shall by election fill the unexpired term. When any trustee ceases to be a resident of said district, he vacates the office as trustee. All trustees shall be eligible for re-election or re-appointment, as hereinafter provided.

The 1st meeting of the board of trustees shall be held in 2 weeks after all of the members of said board have been elected as above provided, and such 1st meeting shall be held at the city hall, in the city of Bangor, to be called by 1 of the trustees upon such reasonable notice therefor as he may deem proper. At this original meeting they shall organize by the election from their own members of a president, a clerk and a treasurer, adopt a corporate seal, may ordain and establish such by-laws consistent with the laws of the state of Maine as are necessary for their own convenience and the proper management of the affairs of said district, and may employ all needed officers and agents for the proper conduct and management of the affairs of the district. Within 2 weeks after each annual municipal election of the city of Bangor, the trustees shall meet for the purpose of electing a president, a clerk and a treasurer for the ensuing year and until their successors are elected and qualified.

In case any vacancy arises in the membership of the board of trustees, either through failure to elect or for whatever cause, it shall be filled by the remaining trustees for the period extending to the next annual municipal election.

No member except the treasurer shall receive any compensation for his services, and the treasurer shall receive in full compensation for his services an amount to be fixed by the board of trustees, and such salary and all expenses of the district shall be paid from the funds of the district. The treasurer shall give bond to the district in such sum and with such surety or sureties as the trustees may determine, which bond shall remain in the custody of the president of the trustees. The cost of the premium of such bond shall be paid by the district.

At the close of each fiscal year of the district, which shall coincide with the fiscal year of the city of Bangor, the trustees shall make a detailed report of their doings, of the financial condition of said district, of the physical condition of its property, and also of such other matters and things pertaining to said district as shall show the inhabitants thereof how said trustees are fulfilling the duties and obligations of their trust. Such report shall be made and filed with the city council of the city of Bangor on or before February 15 of each year.

Sec. 4. How financed. To procure funds for the purposes of this act, and for such other expenses as may be necessary to carry out said purposes, the said trustees are hereby authorized from time to time to borrow money and to issue bonds and notes therefor, but shall not incur a total indebtedness exceeding the sum of \$750,000. Each bond and note shall have inscribed upon its face the words "City of Bangor School District", shall bear interest at such rates as the trustees shall determine, payable semi-annually, and shall be subject to such other provisions as the trustees shall determine. Said bonds may be issued to mature serially, or made to run for such periods with call provisions as said trustees may determine, but none of which shall run for a longer period than 30 years. All bonds and notes issued by said district shall be signed by the treasurer and countersigned by the president of said district, and if coupon bonds be issued, each coupon shall be attested by the facsimile signature of the treasurer printed thereon. Said bonds and notes shall be legal obligations of said district, which is hereby declared to be a quasi-municipal corporation within the meaning of section 132 of chapter 49 of the revised statutes, and all the provisions of said section shall be applicable thereto. The said bonds and notes shall be legal investments for savings banks. The said trustees are hereby authorized and empowered to enter into such an agreement with the federal gov-

ernment or state government, or any agency thereof, or any corporation or board authorized by the federal or state government to loan money or otherwise assist in the financing of such projects as this school district is authorized to carry out, as may be necessary or desirable to accomplish the purposes of this act.

Sec. 5. Sinking fund; refunding bonds provided for. In case any 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 such bonds or notes for the purpose of redeeming the same when they become due. The amount to be paid annually into such sinking fund shall not be less than 1% of the total principal amount of such bonds or notes originally issued during the first 6 years from the date of issue, and not less than 4% of the total principal amount of such bonds or notes originally issued annually thereafter. In addition to such annual sinking fund payment, the trustees shall have authority from time to time to add to any such sinking fund any funds of said district not required for other purposes. Funds in any sinking fund may be deposited in any national bank, savings bank or trust company within the state or may be invested in whole or in part in any bonds of the United States, of the state of Maine or of any political subdivision thereof, as the trustees may determine. Interest received on any funds so invested shall be added to the sinking fund. When and if the amount accumulated in any sinking fund, together with interest received or to be received thereon, shall be sufficient to pay at maturity or, at the option of the trustees, to redeem the bonds or notes for the benefit of which such sinking fund was established, all further payments to such sinking fund shall cease.

Whenever any bonds or notes issued by said district may become due or can be purchased or called for redemption by said district on favorable terms, said trustees, if sufficient funds have accumulated in the sinking fund provided therefor, shall pay, purchase or redeem said bonds or notes and cancel them. In no case shall bonds or notes so paid, purchased or redeemed, and cancelled, be reissued.

In case the amount in any sinking fund shall not be sufficient to pay the total amount when due of the bonds and notes for which such sinking fund was provided, or in case it shall become desirable in the opinion of the trustees to call for redemption any outstanding bonds or notes and to issue new bonds or notes in their stead, authority is hereby granted to refund so many of said original bonds or notes as cannot be paid or redeemed from the sinking fund provided therefor, if any, but in no case shall such new

bonds or notes mature more than 30 years from the original 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 "City of Bangor School District" shall determine what sum is required each year for sinking fund payments, or if the bonds or notes authorized by this act shall be issued to mature serially what sum is required each year to meet the bonds and notes falling due, and what sum is required each year to meet the interest on said bonds or other obligations, and what sum is required each year to meet other necessary expenses in the district, and shall each year, before the 1st day of April, issue their warrant in the same form as the warrant of the treasurer of state for taxes, with proper changes, to the assessors of the city of Bangor, requiring that they assess the total sum so determined upon the taxable polls and estates within said district and to commit their assessment to the constable or collector of said city of Bangor, who shall have all authority and powers to collect said taxes as is vested by law to collect state, county and municipal taxes. On or before the 31st day of December of the year in which said tax is so levied, the treasurer of said city shall pay the amount of the tax so assessed against said district to the treasurer of said district. In case of a failure on the part of the treasurer of the city to pay said sum, or in case of his failure to pay any part thereof on or before said 31st day of December of the year in which said tax is levied the treasurer of said district may issue his warrant for the amount of said tax or so much thereof as shall then remain 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 said district, and the sheriff or either or any of his deputies shall execute said warrant except as is otherwise provided herein. The same authority as is vested in county officials for the collection of county taxes, under the provisions of the revised statutes, is hereby vested in the trustees of said district in relation to the collection of taxes within said district.

Sec. 7. Provisions for termination of the board of trustees. At such time as the school building or buildings and related athletic and recreational facilities shall have been completed, equipped and occupied by pupils of said district, and the board of trustees of the district shall have discharged all of its principal obligations, and the property of said district shall be free and clear of all indebtedness, the board of trustees shall automatically cease to function and all of the duties, management, care and maintenance of the property of said district shall revert to the school

board of the city of Bangor or such other board as may at that time have jurisdiction over similar school property, and the then president and treasurer of said district shall cause to be executed, signed and delivered a good and sufficient deed of all the property of said district to the city of Bangor. All money, if any remaining in the treasury of said district at the time said trustees cease to function, shall be given to the city treasurer of the city of Bangor. This money shall be used only for school purposes and shall be kept separate from all other money until authorized by the council of the city of Bangor to be expended for one or more of the purposes stated in this act.

Sec. 8. Authority to receive property from the city of Bangor. The "City of Bangor School District" is hereby authorized to receive from the city of Bangor, and said city of Bangor is hereby authorized to transfer and convey to said district, any property, real, personal or mixed, now or hereafter owned or held by the city of Bangor for school purposes, and any sums of money or other assets which the said city of Bangor has raised or may raise, either by taxation, borrowing or otherwise, for school purposes.

Sec. 9. Referendum; effective date. This act shall take effect 90 days after the adjournment of the legislature, only for the purpose of permitting its submission to the legal voters of the territory embraced within the limits of said district, present and voting at a special election called and held for the purpose or at an annual municipal election of the city of Bangor. Such special election or annual municipal election shall be held not later than the next regular annual municipal election after the effective date of this act. In the event a special election is called for the purpose, it shall be called, advertised and conducted according to the law relating to municipal elections; provided, however, that the board of registration in said city of Bangor shall not be required to prepare for posting, or the city clerk to post, a new list of voters, and for the purpose of registration of voters, said board shall be in session the 3 secular days next preceding such special election, the 1st and 2nd days thereof to be devoted to registration of voters, and the 3rd day to enable the board to verify the corrections of such list and to complete and close up their records of said sessions. The city 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 Create the City of Bangor School District be accepted?" and the voters shall indicate by a cross or a check mark placed over the words "Yes" or "No" their opinion of the same. This act shall take effect for all the purposes thereof immediately upon its acceptance by a majority vote of the legal voters voting at

said election. The result in said district shall be declared by the municipal officers of the city of Bangor and due certificate filed by the city clerk with the secretary of state.