

# MAINE STATE LEGISLATURE

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NINETY-FOURTH LEGISLATURE

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Legislative Document

No 1447

S. P. 654

In Senate, April 6, 1949

Reported by Mr. Batchelder for the Committee on Legal Affairs and printed under Joint Rule No. 10.

CHESTER T. WINSLOW, Secretary

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-NINE

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**AN ACT Amending An Act to Provide for the Joining of Towns for the Purpose of Providing Better School Facilities.**

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

**Sec. 1. R. S., c. 37, § 92-A, amended.** Section 92-A of chapter 37 of the revised statutes, as enacted by chapter 357 of the public laws of 1947, is hereby amended to read as follows:

**‘Sec. 92-A. Formation of community school districts, authorized.** The inhabitants of and territory within two or more towns may form a secondary community school district which shall be a body politic and corporate by proceeding as follows: the municipal officers in each of the several towns may call a meeting of the inhabitants of their respective towns in the manner provided by law for the calling of town meetings, and at such meetings shall vote on articles in substantially the following form:

Article . . . . . To see if the town will vote to join with the towns of (naming them) to form a secondary school district to be known as “. . . . . Community School District.”

Article . . . . . To see if the town will vote that the district be authorized to acquire and hold property of a value not in excess of \$. . . . .

Article . . . . . To see if the town will vote to authorize said community school district from time to time to borrow money and to issue its bonds and notes therefor in an amount not in excess of \$. . . . . **outstanding at any one time** for the purpose of **acquiring land**, constructing and equipping a community school building, **or buildings and related recreational and athletic facilities** and other purposes of the district.

The clerk in each of the several towns shall file a return of such votes with the secretary of state. **If a majority of those voting in each of the towns shall favor each of the 3 propositions, the inhabitants in and the territory of said towns shall thereupon become a community school district, which shall, subject to the provisions hereof, bear the name so determined upon and shall have authority to acquire and hold property and to borrow money not in excess of the respective amounts so determined upon. The inhabitants of the participating towns in meetings similarly called and held may vote to change the name of the school district, and to increase the maximum amount of property to be held by a school district and the maximum amount of money which a school district may borrow.'**

**Sec. 2. R. S., c. 37, § 92-B, amended.** Section 92-B of chapter 37 of the revised statutes, as enacted by chapter 357 of the public laws of 1947, is hereby amended to read as follows:

**'Sec. 92-B. Organization; compensation.** When the inhabitants of two or more towns have voted to form a community school district, as provided in the preceding section, the municipal officers of each of the towns in the proposed school district shall appoint 3 persons to be incorporators of said proposed school district ~~and who~~ shall become trustees of said district. Said 3 trustees shall be appointed, one for 1 year, one for 2 years and one for 3 years, and thereafter 1 each year shall be elected ~~by the voters, annually~~ for a term of 3 years in each of the participating towns by the inhabitants of the community school district who are voters in their respective towns. Said elections may take place at the annual town meeting and trustees elected or appointed shall serve until their successors are elected and qualified. Vacancies in the office of trustees shall be temporarily filled by appointment by the ~~selectmen~~ municipal officers of the town where the former trustee resided until a successor trustee is elected for the unexpired portion of the term, if any, at ~~until~~ the next annual town meeting in said town.

The incorporators so appointed as soon as convenient thereafter shall meet upon call of one of their number after reasonable notice. They shall organize as a board of trustees and shall elect from their number a chair-

man, a treasurer, a clerk and such other officers as they shall decide upon, and shall adopt by-laws and an official seal.

When the corporation is thus organized, the trustees shall make a return to the secretary of state setting forth the fact of the organization of the district, the names of the trustees and the officers thereof, the amount of property it is authorized to acquire and hold and the amount of its borrowing power.

If the secretary of state finds that the community school district has been organized and the trustees thereof elected or appointed, according to law, he shall issue to it a certificate of organization and such certificate shall be conclusive evidence of the lawful organization of the community school district and of the election or appointment of the trustees thereof. Whenever the membership of a community school district is changed, by the addition of new territory or by appointment, election or resignation of trustees or otherwise, a return to that effect shall promptly be so filed. A copy, certified by the secretary of state, of a return so filed shall be conclusive evidence of the change in the community school district or in the membership thereof.

Only those towns the inhabitants of which vote to join such community school district shall be bound by the terms of sections 92-A to 92-K, inclusive.'

Sec. 3. R. S., c. 37, § 92-C, amended. Section 92-C of chapter 37 of the revised statutes, as enacted by chapter 357 of the public laws of 1947, is hereby amended to read as follows:

'Sec. 92-C. Duties of trustees. ~~The trustees so appointed, as soon as convenient thereafter, shall meet upon call of one of their number after reasonable notice.~~ All of the affairs of said district, except election of teachers who shall serve in said school and the fixing of their salaries, the courses of study, the terms of school and other matters pertaining to the education of pupils, which matters shall be controlled by a community school committee hereinafter provided for, shall be managed by said board of trustees.

The trustees shall serve without compensation, except the treasurer may receive for his services an amount to be fixed by the board of trustees not to exceed \$100 per year. The treasurer shall give a bond to the district in such sum and with such sureties as the trustees may determine, which bond shall be deposited with the chairman. The expense of such bond shall be paid by the district. The treasurer's salary, bond premium and all ex-

penses of the district shall be paid from the funds of the district. At the close of the fiscal year the trustees shall make a detailed report of their doings, of the financial condition of said district and the physical condition of said school building or buildings, and also such other matters pertaining to said district as shall show the inhabitants thereof how said trustees are fulfilling the duties and obligations of their trust, **duplicate copies of said reports to be made, attested to and filed with the municipal officers of said each participating town.**'

**Sec. 4. R. S., c. 37, § 92-D, amended.** Section 92-D of chapter 37 of the revised statutes, as enacted by chapter 357 of the public laws of 1947, is hereby amended to read as follows :

**'Sec. 92-D. Power to borrow money.** To procure funds for authorized purposes of the district, the ~~trustees of said district is are~~ **trustees of said district** are hereby authorized to issue ~~its~~ **its** bonds and notes ~~but shall not incur a total indebtedness in excess of of the district, not to exceed in the aggregate at any one time outstanding the limit of indebtedness of said district as established under section 92-A or 5% of the total of the last preceding valuation of all of the participating towns, whichever is the lesser.~~ **but shall not incur a total indebtedness in excess of of the district, not to exceed in the aggregate at any one time outstanding the limit of indebtedness of said district as established under section 92-A or 5% of the total of the last preceding valuation of all of the participating towns, whichever is the lesser.** Each bond or note shall have inscribed upon its face the words: ". . . . . Community School District" and shall ~~bear interest at such rates~~ **be dated at such time or times, shall be in such denomination, shall bear such rate of interest, not exceeding 5% per annum, payable semiannually, be in such form, subject to the provisions of sections 92-A to 92-K, inclusive, and be sold in such manner, at public or private sale as the trustees shall determine payable semiannually. Said bonds shall be made to mature serially, but none shall run for a longer period than 25 years.** Each issue of said bonds shall mature in substantially equal annual installments, so that the first installment shall be payable not later than 2 years after the date of issue and the last installment not later than 25 years from the date thereof, provided, however, that if the proceeds of an issue of bonds are used in whole or in part to fund temporary notes of the district or renewals thereof, the period during which such issue of bonds shall be outstanding, plus the period of the loan represented by such temporary notes or renewals thereof, shall not exceed 25 years. All notes or bonds issued by said district shall be signed by the treasurer and countersigned by the chairman of said district, and if coupon bonds be issued, each coupon shall be attested by a facsimile signature of the treasurer printed thereon. **Notes issued by the district shall mature not later than 1 year from their date but may be renewed from time to time, provided that the period of the original note plus that of renewals thereof shall not exceed 2 years.** Said notes and bonds shall be legal obli-

gations 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.'

**Sec. 5. R. S., c. 37, § 92-E, amended.** Section 92-E of chapter 37 of the revised statutes, as enacted by chapter 357 of the public laws of 1947, is hereby amended to read as follows:

**Sec. 92-E. How financed.** The trustees of the "..... Community School District" shall within 90 days after authorization by vote of the participating towns as provided in section 92-A and thereafter annually before April 1st of each year determine the sum required each year to meet the bonds falling due and what further sum is necessary to meet the interest on said bonds or other obligations, and all other expenses necessary for the operation of the district. The trustees shall thereupon issue their warrants, in substantially the same form as the warrant of the treasurer of state for taxes, to the assessors of each participating town, requiring them to assess upon the taxable polls and estates within said town an amount in proportion to the total sum required each year as that town's state valuation bears to the total state valuation of all the participating towns, **except that if the apportionment for maintenance and operation of the school results in a per pupil cost to any participating town in excess of 150% of the average per pupil cost for operating the school, the town's apportionment shall be 150% of the average per pupil cost and the balance shall be apportioned among the remaining towns according to state valuation;** and to commit the assessment to the constable or collector of said town who shall have all the authority and powers to collect said taxes as in him 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 each town shall pay the amount of the tax so assessed against **the taxable polls and estates within** his said town to the treasurer of the district. In the case of the failure on the part of the treasurer of said town to pay said sum or any part thereof on or before said 31st day of December in the year in which said tax is levied, the treasurer of the district may issue his warrant for the amount of said tax or so much thereof as shall then remain unpaid to the county sheriff requiring him to levy by distress and sale on the real and personal property of any of the inhabitants of **said district living in the town where such defaulting town default takes place** and the sheriff or any of his deputies shall execute said warrant, except as otherwise herein provided. The same authority as is vested in county officials for the collection of county taxes under the provisions of the revised statutes is here-

by vested in the trustees of said district in relation to the collection of taxes within such town ~~or plantation.~~'

**Sec. 6. R. S., c. 37, § 92-H, amended.** Section 92-H of chapter 37 of the revised statutes, as enacted by chapter 357 of the public laws of 1947, is hereby amended to read as follows:

**'Sec. 92-H. Application of general law.** Community schools as herein provided when established may be considered the official secondary schools of the participating towns and all provisions of the general law relating to public education shall apply to said schools. **Teaching positions, special courses and other bases for allocations to towns because of these schools shall be divided according to proportional assessment of each town as determined in section 92-E.'**

**Sec. 7. R. S., c. 37, § 92-K, amended.** Section 92-K of chapter 37 of the revised statutes, as enacted by chapter 357 of the public laws of 1947, is hereby amended to read as follows:

**'Sec. 92-K. Participating towns; withdrawal.** ~~Towns~~ **The inhabitants of and territory within any town** not originally in the ~~participating group of towns district~~ may be included upon vote of all the towns concerned in ~~the same~~ a manner ~~as is similar to that~~ prescribed for the establishing of the community school, under such terms and arrangements as may be recommended by the community school trustees and approved by such vote, provided the cost to **the inhabitants and territory so applying towns** shall be based on a fair valuation as determined by the state board of equalization.

~~When any one town decides to withdraw from the community school district, it must decide affirmatively to do so by a 2/3 vote of the legal voters in said town present and voting at a special town meeting called for that purpose, and by giving to the community school district a 2-year notice of their intent to withdraw; provided the withdrawing town may claim and demand a share equal to 50% of the equity in its capital investment after deduction of depreciation costs; provided further, that the remaining towns in the district shall assume and be liable for the outstanding indebtedness of the district notwithstanding the provisions of section 92-D. The superior court in equity shall have jurisdiction for the enforcement of the provisions of this section.~~

When the inhabitants of a participating town have indicated their desire to withdraw from a community school district by a 2/3 vote of the legal voters in said town present and voting at a special meeting, called and held in the manner provided by law for the calling and holding of town meet-

ings, such withdrawal may be authorized by special act of the legislature upon such terms as shall be contained in such special act, provided, however, no such withdrawal shall be permitted while such community school district shall have outstanding indebtedness.'

**Sec. 8. Effective date; limitation.** This act shall become effective 90 days after the adjournment of this legislature; provided, however, that this act shall not become effective as to any school district then organized until the provisions hereof shall have been accepted by a vote of a majority of the inhabitants of each of the participating towns of such community school district voting at meetings called and held in the manner provided by law for the calling and holding of town meetings.