

MAINE STATE LEGISLATURE

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

Legislative Document

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H. P. 1292

House of Representatives, April 28, 1953.

Reported by Mr. Stewart from Committee on Legal Affairs and printed under Joint Rules No. 10.

HARVEY R. PEASE, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-THREE

AN ACT to Create the Boothbay-Boothbay Harbor Community 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 section 19 hereof, the inhabitants of and the territory within the towns of Boothbay and Boothbay Harbor are hereby created a body politic and corporate under the name "Boothbay-Boothbay Harbor Community School District" (hereinafter called the "district") for the following purposes, all for the benefit of the inhabitants of said district: to acquire real property within said district for school and related athletic and recreational purposes, to erect, acquire, enlarge, repair, equip and maintain on said property a school building or buildings and related athletic and recreational facilities, to receive, accept and hold gifts, grants or devises of property, real, personal or mixed, to be used for school and related athletic and recreational purposes, and to organize, maintain and conduct a community school. For the purpose of this act, the word "school" is defined to mean grades 9 to 12, inclusive, unless and until the approval for which provision is made in section 18 hereof shall be given, in which event the word "school" shall for the purposes of this act be defined to mean grades 7 to 12, inclusive.

Sec. 2. Trustees; how chosen, organization; powers, limitations. All the affairs of said district (except the 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 the community school committee for which provision is hereinafter made) shall be managed by a board of 6 trustees composed of 3 members from each participating town. Except as shall be otherwise in this act specifically provided, the board of trustees, acting for said district, shall have and exercise all the powers and authority necessary to carry out the purpose of this act and the powers and authority granted herein. The 3 trustees from each participating town shall, in the first instance, be elected at the respective town meetings for which provision is made in section 19 hereof or at a subsequent annual or special town meeting held in the respective towns as soon as practicable thereafter. At said meetings, there shall be elected in each participating town 1 trustee to serve until April 1, 1956, 1 trustee to serve until April 1, 1957, and 1 trustee to serve until April 1, 1958, and, in each case, until their respective successors are elected and qualified. The trustees so elected shall forthwith hold a meeting upon call of one of their number who shall mail a notice, stating the time and place of said meeting, postage prepaid, addressed to each other elected trustee and to the superintendent of schools for the participating towns respectively at their usual residences in said district at least 3 days before the day of said meeting; provided, however, that such notice may be waived in writing by any person entitled to receive it. The trustees shall, at their first meeting or at any adjourned session thereof or at a subsequent meeting similarly called, organize by choosing by ballot from among their members a chairman and a treasurer who shall hold office until the following April 1 and until their respective successors are elected and qualified. The superintendent of schools for the community school shall, ex officio, be the secretary of said board of trustees and, until the establishment of the community school, the superintendent of schools for the towns of Boothbay and Boothbay Harbor shall so serve. The trustees shall adopt by-laws and an official seal for the district. Following the election of the first board of trustees, at the annual town meeting of each participating town beginning in 1956, 1 trustee shall be elected for a term of 3 years beginning April 1 and until his successor is elected and qualified. Each board of trustees shall organized by the election of officers promptly following the qualification of new 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 \$250 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 expenses of the district shall be paid from the funds of the district.

Sec. 3. Authority to issue bonds. To procure funds for such of the purposes of the district stated in section 1 of this act as consist of the following, namely, the acquisition of real property within the district, the erecting or acquiring of a school building or buildings or additions thereto, the erecting or acquiring of related athletic and recreational facilities, and the original equipment and furnishing of such building or buildings, additions or facilities, but not for any expenses of operation and maintenance, the board of trustees of said district is authorized, by the vote of not less than a majority of all of the trustees, to borrow money from time to time and to issue bonds in the name and on the full faith and credit of the district; provided, however, that the district shall not incur a total bonded indebtedness at any one time outstanding in excess of \$500,000. Each bond shall have inscribed upon its face the words "Boothbay-Boothbay Harbor Community School District" and shall bear an impression of the district seal. Each bond shall be dated at such time, be in such denomination, bear such rate of interest not exceeding 5% per annum payable semiannually, be in such form, subject to the provisions of this act, and be sold in such manner, at public or private sale, as shall be determined by a majority vote of all of said trustees. Each issue of said bonds shall mature in annual installments which shall be substantially equal or shall be so arranged that no installment payable in any year shall be less than the amount of any installment payable in any subsequent year. The first installment of any issue of bonds shall mature not later than 2 years from the date of such issue and the last installment shall mature not later than 25 years therefrom. Any premium received from the sale of said bonds, less the cost of preparing, issuing and marketing them, shall be applied against the principal of the first of said bonds to mature. The proceeds arising from the sale of bonds issued under the authority of this act shall be delivered to the treasurer of the board of trustees and such proceeds shall be expended for the purposes for which such bonds were authorized hereunder. No purchaser of any bonds issued under the authority of this act shall be in any way responsible for the proper application of the proceeds derived from the sale thereof.

Sec. 4. Referendum on bond issues. When the trustees shall have authorized the issue of any bonds, an attested copy of the vote of the trustees shall be forthwith filed with the municipal officers of each of the participating towns and published in a newspaper having a circulation in the district

not later than 8 days following the day on which such vote was adopted by the trustees. A vote of the trustees authorizing an issue of bonds under this act shall not become effective before the expiration of a period of 15 days from the date upon which such vote is adopted. If within said period a petition, signed by 300 registered voters of the district not less than 100 of whom shall be from each participating town, shall be filed with the chairman or the secretary of the board of trustees, asking that the question of whether such bonds should be issued be submitted to the voters of the district, such vote of the trustees shall be further suspended from becoming effective and the trustees shall immediately reconsider such vote. If such vote is not rescinded by the trustees, the trustees shall submit the question of whether such bonds shall be issued to the voters of the district at a special meeting of the qualified voters in the district to be held in said district within 60 days. Said special meeting shall be called and held as provided in section 16 hereof except that the notice shall set forth the vote of the trustees authorizing said bonds, the approval or disapproval of the issue of which is to be submitted to the voters of the district, together with the proposed form of the ballot to be used at such special meeting. At such special meeting the vote on the question of whether such bonds shall be issued shall be by ballot, the form of which shall be substantially as follows :

“OFFICIAL BALLOT
 BOOTHBAY-BOOTHBAY HARBOR COMMUNITY SCHOOL
 DISTRICT

Shall bonds of the Boothbay-Boothbay Harbor Community School District be issued to the amount of \$. bearing interest not to exceed per cent for the purpose of procuring funds for the following purposes, viz., (insert brief description of purposes)?

If in favor of the bond issue, make a cross (X) or check mark (✓) in this square

If opposed to the bond issue, make a cross (X) or check mark (✓) in this square ”

If a majority of the qualified voters voting at such meeting approve the issue of said bonds, the vote of the trustees authorizing said bonds shall become effective; if not so approved, said vote shall be null and void. The voters qualified to vote at said special meeting shall be determined by the use of a check list from each of the participating towns.

Sec. 5. Authority to issue temporary notes. In any fiscal year in anticipation of taxes assessed or to be assessed for such year, the board of trustees of the district may, by vote of a majority of its members, authorize the

borrowing of money by the issue and sale of temporary notes of the district; provided, however, that if such borrowing shall take place prior to the levy of taxes in such fiscal year, the amount thereof at any one time outstanding shall not exceed in the aggregate 50 % of the total amount of taxes collected in participating towns and received by the treasurer of the board of trustees in the preceding fiscal year but if such borrowing shall take place subsequent to the levy of taxes in such fiscal year, the amount of such borrowing shall not exceed in the aggregate the total amount of taxes levied in the current fiscal year less the amount thereof collected in the participating towns and paid to the treasurer of the board of trustees. Such temporary notes of the district may be issued for a period of not more than 1 year and any such temporary notes may be renewed from time to time by the issue of other temporary notes, provided the period from the date of issue of the original note to the date of maturity of the last renewal thereof shall not be more than one year. A sum sufficient to pay any such temporary notes or renewal notes which are outstanding at the time of the annual meeting, less the amount of cash available to pay the same, shall be included in the operating budget for the then current year as an expenditure.

Sec. 6. Signatures on bonds and notes; legal obligations of the district. All bonds and notes issued by the district shall be signed by the treasurer and countersigned by the chairman, and coupons appended to bonds shall be attested by a 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, as amended, and all the provisions of said section shall be applicable thereto.

Sec. 7. Agreements for financial assistance authorized. Said district is hereby authorized by the vote of at least a majority of all the trustees to enter into an agreement with the state government or federal government or any agency thereof or any corporation or board authorized by the federal government or the state of Maine to loan money to or otherwise assist in the financing of such projects as the district is authorized to finance by the issue of its bonds and as may be necessary or desirable to accomplish such purposes.

Sec. 8. Community school district committee; organization, powers, duties. The community school district committee (hereinafter called the "committee") shall consist of the members of the superintending school committee in each participating town ex officio and their membership on said committee shall be coterminous with their membership on the super-

intending school committee of their respective towns. Vacancies shall be filled as provided by general law. As soon as practicable after the terms of this act shall have been accepted as provided in section 19 hereof, said committee shall meet and organize by choosing by ballot from among its members a chairman and a vice-chairman. The superintendent of schools for the community school shall, ex officio, be secretary of said committee and, until the establishment of the community school, the superintendent of schools for the towns of Boothbay and Boothbay Harbor shall, ex officio, be the secretary. Officers shall be elected annually at the annual meeting of the committee to be held in April and the term of each office shall be for 1 year and until the successor is chosen and qualified. The committee shall have the powers and duties with respect to the community school conferred upon superintending school committees under the general statutes except as they may be inconsistent with those enumerated in this act.

Sec. 9. Application of general law; certain exceptions. The community school, for which provision is herein made, when established shall be considered the official secondary school of the participating towns and all provisions of general law relating to public education shall, so far as applicable, apply to said school. Teaching positions, special courses and other bases for allocations to towns because of this school, shall be divided according to the proportional assessment of each participating town for operating expenses as determined in section 13 of this act. The district shall have no obligation to transport pupils but each participating town shall provide and arrange for such conveyance of pupils from such town to the community school as may be required by law. Tuition charges for pupils from outside the district accepted at this school shall be determined by the trustees, notwithstanding other provisions in the general law; provided, however, such tuition shall not exceed the average cost per pupil paid by a participating town for the year preceding the year for which the tuition is paid, as determined by the trustees.

Sec. 10. Superintendent of schools. The superintendent of the community school shall be selected by the committee, and the amount of his salary to be paid by the district shall be determined by said committee. He shall have the same duties, powers and responsibilities with respect to said school and its committee as are prescribed by law for public school superintendents.

Sec. 11. Annual reports of the trustees and the committee. The fiscal year of the district shall be the calendar year. At the close of the fiscal year and not later than January 15, the trustees and the committee shall make a detailed and joint report of their doings showing the financial con-

dition of said district, the physical condition of said school building or buildings and also such other matters pertaining to the district, its operation and its educational program as shall show the inhabitants of the district how said trustees and said committee are fulfilling the duties and obligations of their respective trusts. There shall be included in such report a proposed capital budget and a proposed operating budget for the community school district for the current year. Duplicate copies of said reports shall be made, attested by at least a majority of trustees and of the committee and filed with the municipal officers of each participating town. Copies of such report may be distributed to the inhabitants of the district by the respective participating towns in the same manner and form as is provided for town reports or may be included as a part of the reports in the respective towns; provided, however, that the same shall be distributed not later than the 1st day of February in each year. Provisions for payment of the cost of printing and distributing such report shall be included in the operating budget.

Sec. 12. Adoption of annual capital budget; apportionment of cost of participating towns. The voters of the district at each annual meeting shall determine and shall include in a capital budget to be then adopted, the sum, not less than the amount prescribed by general law, which is necessary to meet the necessary capital expenses for the current year including the amount required to meet payments due in said year of the principal of or interest on indebtedness of the district other than temporary notes issued in anticipation of taxes. Said voters may determine and include in said capital budget the sum, if any, to be set aside in the current year for a capital reserve fund; provided, however, that the amount which may be set aside in any one year shall not exceed \$12,500. Any appropriation so set aside shall be carried on the books of the district as a separate item to be known as the capital reserve account and deposited or invested by the treasurer of the board of trustees in the same manner as is provided by law for town and county capital reserve funds; and expenditures from such funds shall only be for or in connection with a capital expense as hereinbefore described and as authorized by the voters of the district. Said voters may also determine and include in said capital budget an amount estimated to be sufficient to meet payments of the interest on or principal of indebtedness of the district (other than temporary notes in anticipation of taxes) expected to be payable in such year on account of indebtedness expected to be incurred in such year but not outstanding at the time said budget is adopted. The total sum required to meet the capital expenses as set forth, less the amount of funds from other sources available to meet the same, shall be apportioned to the participating towns by the trustees, in propor-

tion to the maximum membership in the community school of pupils from each such town during the school year ending the preceding June; provided, however, that until the community school has been in operation for 1 full school year, such apportionment shall be based on the maximum membership of pupils from each such town attending the Boothbay Harbor High School during the preceding school year and, provided further, that no more than 60% nor less than 40% of such net sum shall be so apportioned to any such town in any year.

Sec. 13. Adoption of annual operating budget; apportionment of cost to participating towns. The voters of the district at each annual meeting of the district shall also determine and shall include in an operating budget to be then adopted the sums, not less than the amount prescribed by general law, required for all expenses of the said community school district for the current year not included in the capital budget. The total sum required to meet the operating expenses as set forth in said operating budget, less any funds received from other sources available to meet the same, shall be apportioned to the participating towns by the trustees in proportion to the maximum membership at the community school of pupils from each such town during the school year ending the preceding June; provided, however, that until the community school has been in operation for 1 full school year, such apportionment shall be based on the maximum membership of pupils from each such town attending the Boothbay Harbor high school during the preceding school year. There may, in the operating budget, be an item of appropriation termed "sundries" but that item shall not exceed 3% of the total appropriations in that budget.

Sec. 14. Form and amendment of budgets; transfers and lapses of appropriations; limitation on making expenditures or incurring liabilities. All appropriations in said budgets shall be made by items specifying the amount of money appropriated therein and the purpose for which the amount is appropriated. No money appropriated or any items shall be used for any other purpose, but transfers of appropriations within a budget may be made by the trustees in proper cases; provided, however, no such transfer from the item for salaries for school teachers may be made without approval by the committee. At the end of each fiscal year, any unexpended balance in any appropriation not necessary to meet liabilities already incurred with respect thereto shall cease to be available for the purpose for which it was appropriated and shall be used in the proportion collected from the participating towns to reduce the amount otherwise to be assessed against said towns in the following fiscal year. The voters of the district at a special meeting called and held for the purpose may amend the

budgets or make additional appropriations. The amount of any such additional appropriation shall be included, if practicable, in the annual assessment and levy of taxes for the current year and, if not so included and collected, shall be included in the proper budget in the ensuing year and then assessed and collected. Nothing in this section or the 3 preceding sections shall be deemed to be a limitation on the power of the trustees to authorize a capital project of the type that can be financed by bonds and an appropriation by the trustees of the proceeds of bonds for any authorized purpose shall, unless the issue of such bonds be disapproved by the voters of the district at a referendum as hereinbefore provided, be binding in all respects upon the district. No liability shall be incurred or expenditure made by or on behalf of the district for which no provision is made in the annual budgets, in an amendment thereof, in a special appropriation or by a bond issue; provided, however, that notwithstanding anything to the contrary in this act contained, the total sum required to pay the principal of and interest on bonds issued by the district due and payable in any fiscal year shall be assessed, collected and paid to the treasurer of the board of trustees of the district as herein provided, whether or not provision therefor shall be contained in the capital budget for said fiscal year, and said principal of and interest on said bonds shall be paid or be caused to be paid when due to the person entitled thereto by said treasurer.

Sec. 15. Assessment, levy and collection of taxes. On or before the 1st day of April, the trustees and the committee shall issue their joint warrant in substantially the same form as the warrant of the treasurer of the state of Maine for taxes, with appropriate changes, to the assessors of the participating towns requiring that they assess and levy upon the taxable polls and estates within their respective towns, including all village corporations therein, an amount equal to the share of the capital budget and the operating budget for said year allocated to such town as hereinbefore provided and also requiring that they commit their assessment to the constables or collectors of said towns, respectively, who shall have all authority and power to collect said taxes as is vested by law to collect state, county and municipal taxes. The treasurers of said towns shall pay the amount of such tax so assessed and levied against said district and collected in their respective towns to the treasurer of the board of trustees as follows: at least $\frac{1}{2}$ thereof on or before the 1st day of September of the year in which said tax is so assessed and levied and the balance on or before the 31st day of December in said year. The treasurer of the board of trustees shall rebate to the treasurer of any such village corporation the same percentage of the community school district tax assessed against it, if any, as its charter may then provide in the case of town taxes. In the case of a failure on the part

of the treasurer of any town to pay said sum, or in the case of his failure to pay any part thereof on or before the 31st day of December of the year in which said tax is levied, the treasurer of the board of trustees may issue his warrant for the amount of said tax, or so much thereof as shall remain unpaid, to the sheriff of Lincoln 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 or any amendments thereto is hereby vested in the board of trustees of said district in relation to the collection of taxes within said district.

Sec. 16. Annual meeting of district; special meeting; qualifications of voters of district. After the acceptance of this act and the organization of the board of trustees, the annual meeting of the district shall be held within the district, and, if practicable, at the community school building when completed, on the 1st Monday of February between 9 o'clock in the forenoon and 8 o'clock in the afternoon. An attested copy of the notice of said meeting, signed by the chairman of the board of trustees or chairman of the committee, and specifying the time and place at which the meeting is to be held, shall, not less than 7 days before the meeting, be posted in some public and conspicuous place in each of the towns comprising the district and published in a newspaper having a circulation in the district, such publication to be not earlier than 15 days prior to such meeting and not later than 5 days before such meeting. Special meetings may be called by the board of trustees or the committee in like manner at any time, and notice of special meetings shall state the business to be transacted thereat. If for any reason a legally sufficient annual meeting is not held on the date provided above, a meeting in lieu thereof may be called in like manner to be held as soon as practicable after said date. Every person resident in said district and qualified to vote for governor in the town in which he resides shall be entitled to vote in any meeting of the district. Twenty-five qualified voters shall constitute a quorum but a lesser number may adjourn the meeting. Except as otherwise herein provided, such special meeting shall be advertised in each of the participating towns and conducted according to the general law relating to municipal elections so far as applicable; provided, however, that the boards of registration of the said towns shall not be required to prepare for posting nor the town clerks to post new lists of voters and for the purpose of registration of voters said boards shall be in session in each town during the secular day next preceding any such meeting to register voters and to verify the correction of said lists, and prior to the

time of such meeting said boards shall complete and close up their respective records of said session. The town clerks of the participating towns shall provide an up-to-date check list of duly registered voters in their respective towns for use at each meeting of the district.

Sec. 17. Authority to receive property. The district is hereby authorized to receive from the participating towns, and said towns are hereby authorized to transfer and convey to said district, any property, real, personal or mixed, now or hereafter owned or held by them for school purposes, and any sums of money or other assets which the said towns have raised or may raise, either by taxation, borrowing or otherwise, for school purposes. Before transferring and conveying any of said property or turning over any of said funds or assets, the municipal officers of the town shall be duly authorized to do so by a majority vote of the legal voters present and voting on the question at any annual or special town meeting, the call for which shall have given notice of the proposed action. The district is hereby authorized to sell, transfer, convey, pledge or exchange property so received.

Sec. 18. Authority to expand "school" to include grades 7 and 8. Whenever a majority of the legal voters of the towns of Boothbay and Boothbay Harbor, voting on the question by written ballot at any regular town meeting or at a special meeting thereof called and held for the purpose as hereinafter provided, shall approve the inclusion of grades 7 and 8 in the community school, the word "school" as defined in section 1 of this act shall be deemed to include grades 7 to 12, inclusive. Each such special meeting shall be called, advertised and conducted in the manner set forth in section 19 hereof. The question to be submitted by vote by secret ballot shall be substantially as follows: "Shall the Boothbay-Boothbay Harbor Community School include grades 7 and 8 in addition to grades 9 to 12, inclusive?" The results in said towns shall be declared by the municipal officers of each of said towns and returns filed by the respective town clerks with the secretary of state. The question of approving the inclusion of grades 7 and 8 in the community school may be submitted to the voters of each of the said towns at the same meeting at which the question of accepting this act is submitted under section 19. In the event a town shall disapprove of such inclusion or its approval be no longer effective, the question may be resubmitted to the voters of such town; provided, however, that after the trustees shall have authorized the acquisition or construction of a community schoolhouse and shall have issued bonds of the district to finance the same, such question may not be submitted oftener than once in 24 months and provided further, that the approval of 1 such town of the

inclusion of grades 7 and 8 in the community school shall become null and void unless the other such town shall also approve of such inclusion within 24 months thereof.

Sec. 19. Effective date; referendum. This act shall take effect 90 days after the day of adjournment of the legislature only for the purpose of permitting its submission to the legal voters of the towns of Boothbay and Boothbay Harbor voting on the question at any regular town meeting within each respective town called and held not later than December 31, 1955. If the act shall fail to gain approval, such failure shall constitute a final determination for the purposes of this act. The town clerk in each respective town shall reduce the subject matter of this act to the following question: "Shall an Act entitled 'An Act to create the Boothbay-Boothbay Harbor Community School District' be accepted?" and the voters shall indicate by secret ballot by the words "Yes" or "No" their opinion of the same. The results in said towns shall be declared by the municipal officers of each of said participating towns and returns filed by the respective town clerks with the secretary of state. This act shall take effect in its entirety when it shall have been approved by a majority vote of the legal voters within each such participating town voting on the question at a meeting or meetings called and held as aforesaid.