

MAINE STATE LEGISLATURE

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

Legislative Document

No. 1091

H. P. 965

House of Representatives, March 1, 1955

Referred to the Committee on Legal Affairs, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Brown of Baileyville.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-FIVE

AN ACT Creating the Baileyville 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 this act, the inhabitants of and the territory within the town of Baileyville are hereby created a body politic and corporate under the name "Baileyville School District," for the purpose of acquiring property within the said town 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, and related athletic and recreational facilities; for the purpose of maintaining elementary and secondary schools; for the purpose of letting or leasing any property of said district to said town; for the purpose of receiving, accepting and holding gifts, grants or devises of 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 school 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 shall be controlled by the superintending school committee of the town of Baileyville) shall be managed by a board of 3 trustees, who shall be inhabitants of said district and who shall be elected as hereinafter provided. The board of trustees, acting for said district, shall have and exercise all the powers and authority necessary to carry out the purposes of this act and the powers and authority granted herein.

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 town manager with the approval of the town council of the town of Baileyville shall appoint 3 trustees of said district, who shall be qualified voters of said district, to hold office as follows, respectively: one until the next meeting of the district following acceptance of this act; one until the second meeting of the district thereafter and one until the third meeting of the district thereafter.

As soon as convenient after the members of said board have been so chosen, they shall hold a meeting, to be called by one of them upon such reasonable notice therefor as he may deem proper. They shall organize by the election from their own membership of a president, clerk and treasurer, adopt a corporate seal and may employ all needful officers and agents for the proper conduct and management of the affairs of the district and annually thereafter, at the beginning of each district year the trustees shall organize as hereinbefore provided.

At each meeting of the district, beginning with the meeting next after the acceptance of this act, one trustee shall be elected as hereinafter provided to serve a term ending at the meeting of the district occurring 3 years thereafter. When any trustee ceases to be a resident of said district, he vacates his office as trustee. Any vacancy upon the board of trustees occurring from any cause except normal expiration of term of office shall be filled by the remaining trustees for the unexpired term. All trustees shall be eligible for re-election or reappointment, as herein provided.

All nominations of candidates to be elected as trustees under this act shall be made by nomination papers signed in the aggregate for each candidate by no less than 20 qualified voters resident in said district. Each voter signing a nomination paper shall make his signature in person, and each voter may subscribe to only one nomination. Such nomination papers, before being filed shall be submitted to the town clerk of the town of Baileyville, who shall forthwith certify thereon what number of the signatures are names of qualified voters resident in said district; one of the signers to each such separate paper shall swear to the truth thereof, and the certificate of such oath shall be annexed to or made upon the nomination papers. Such nomination papers shall be filed with the town clerk of said town of Baileyville at least 7 days, exclusive of Sundays, previous to the day of such election. With such nomination papers shall also be filed the consent in writing of the person or persons nominated. All nomination papers, being filed and being in apparent conformity with the foregoing provisions, shall be deemed to be valid; and if not in apparent conformity they may be seasonably amended under oath. In case any candidate who has been duly nominated under the provisions hereof shall die before the day of election, or shall withdraw in writing, or shall remove his place of residence from said district, the vacancy may be supplied in the manner herein provided for such nominations. The name so supplied for the vacancy shall, if the ballots have not been printed, be placed on the ballots instead of the original nomination; or if the ballots have been printed, new ballots containing the new nomination, shall, if practicable be furnished, or slips containing the new nomination shall be printed under the direction of the town clerk, which be pasted upon the ballots and over the name of the candidate

whose nomination has been vacated as aforesaid, and thereafter shall become part of said ballots as if originally printed thereon. The ballot in said district shall contain the names of all candidates so nominated in such district alphabetically arranged, printed in one column under the heading, "For Trustee of the Baileyville School District." Above such heading shall be printed "Vote for One. Make a cross or check mark to the right of the name of the candidate voted for." One blank space shall be left after the name of the candidates in which the voter may by writing insert the name of any person for whom he desires to vote. In preparing his ballot the voter shall mark a cross (X) or check mark (✓) against and to the right of the name of the candidate for whom he desires to vote. If the voter shall desire to vote for any person whose name is not printed on the ballot, he may fill in such name in the blank space left therefor by writing the same therein, or by using a sticker containing such new name. Where the voter so adds by writing such name, his vote for such person shall be counted therefor although he may fail to mark a cross or check against the same. The result of such election shall be declared by the town council of the town of Baileyville and due certificate thereof filed with the town clerk.

No member of the board of trustees, except the treasurer, shall receive compensation for his services and the treasurer shall receive in full compensation for his services an amount to be fixed by the trustees, not to exceed \$100 per year, and such salary and all expenses of the district shall be paid from the funds of the district. At the close of each 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 buildings, and also 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, said reports to be made, attested to and filed with the town council of said town.

Sec. 4. Meetings. The annual meeting of the district shall be held in the district directly following the annual meeting of the town of Baileyville. Notice thereof signed by the chairman or clerk of the board of trustees shall be conspicuously posted in two public places within the district not less than 7 days, exclusive of Sundays, before the meeting. Special meetings may be called by the board of trustees in like manner at any time, and notices of special meetings shall state the business to be transacted thereat. Eleven persons qualified to vote in said meeting shall constitute a quorum. All persons resident in said district and qualified to vote for governor under the laws of this state shall be entitled to vote at any meeting of the district, including the meeting for acceptance of this charter.

Sec. 5. How financed. To procure funds for the purposes of this act, and for such other expenses (including the refunding of any bonds issued hereunder) as may be necessary to carry out said purposes, the said district, by its trustees, is hereby authorized from time to time to borrow money and to issue its bonds and notes therefor, but shall not incur a total indebtedness exceeding the sum of \$300,000 at any one time outstanding. Each bond and note shall have inscribed upon its face the words "Baileyville School District," shall bear interest at such rates as the trustees shall determine, payable semiannually, and shall be subject to such other provisions as the trustees shall determine. Said bonds and notes

may be issued to mature serially or made to run for such periods as said trustees may determine, but none of them shall run for a longer period than 20 years from the date of the original issue thereof. All bonds may be made callable at par or such premium as the trustees may determine. 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 signatures 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 136 of chapter 53 of the revised statutes of 1954, and all provisions of said section shall be applicable thereto. The said bonds and notes shall be legal investments for savings banks. The said district is hereby authorized and empowered to enter into such an agreement with the state or federal government, or any agency thereof, or any corporation or board authorized by the state or federal 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. 6. 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 5% of the total principal amount of such bonds or notes originally issued. 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 re-issued.

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

20 years from the original date of issue of the original bonds or notes so refunded.

Sec. 7. Assessment of taxes authorized to meet indebtedness; how collected; procedure. The trustees of the "Baileyville 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 of the district, and shall each year, before the first 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 town of Baileyville, 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 town of Baileyville, who shall have all and the same authority and powers to collect said taxes 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 said tax is so levied, the treasurer of said town shall pay the amount of the tax so assessed to the treasurer of said district. In case of a failure on the part of the treasurer of the town 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 Washington 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 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. 8. Provisions for termination of the board of trustees. At such time as all school buildings owned by the district 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 shall revert to the school board of the town of Baileyville or such other board as may, at that time, have jurisdiction over school property, and the then president and treasurer shall cause to be executed, signed and delivered, a good and sufficient deed of all property in said district, to the town of Baileyville. All money, if any remaining in the treasury of the board of trustees at the time it ceases to function, shall be given to the town treasurer of the town of Baileyville. This money shall be used only for school purposes and shall be kept separate from all other money until authorized by the town council of the town of Baileyville to be expended as hereinbefore stated.

Sec. 9. Authority to receive property from the town of Baileyville. The "Baileyville School District" is hereby authorized to receive from the town of Baileyville, and said town of Baileyville is hereby authorized to transfer and

convey to said district, any real property, and any tangible personal property now or hereafter owned or held by the town of Baileyville for school purposes.

Before transferring and conveying any of said property or turning over any of said assets, the town council of the town of Baileyville shall be duly authorized so to do by a vote of a majority of the legal voters present and voting at any regular or special town meeting, the call for which shall have given notice of the proposed action.

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 meeting of the district called and held for the purpose not later than 1 year after the approval of this act. The meeting shall be called, advertised and conducted according to the law relating to municipal elections; provided, however, that the board of registration in said town of Baileyville shall not be required to prepare for posting, nor the town 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 meeting, the 1st and 2nd days thereof to be devoted to the registration of voters, and the 3rd day to enable the board to verify the corrections of said list and to complete and close up their records of said sessions. 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 Creating the Baileyville School District, passed by the 97th Legislature, be accepted?" and the voters shall indicate by a cross or check mark placed over the words "Yes" and "No" their opinion of the same. This act shall take effect for all the purposes hereof immediately upon its acceptance by a majority of the legal voters voting at said meeting; provided that the total number of votes cast for and against the acceptance of this act at said meeting equals or exceeds 20% of the total vote for all candidates for governor in said town at the next previous gubernatorial election. The result in said district shall be declared by the town council of the town of Baileyville, and due certificate filed by the town clerk with the secretary of state.