

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE - HUNDRE DTH LEGISLATURE

Legislative Document

No. 707

H. P. 509

House of Representatives, January 24, 1961

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

HARVEY R. PEASE, Clerk

Presented by Mr. Binnette of Old Town.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

AN ACT Creating the Old Town Junior High School District.

Emergency preamble. Whereas, the facilities to accommodate pupils attending the secondary and elementary schools in the City of Old Town are inadequate, resulting in the overcrowding of the capacity of the present school buildings in the City of Old Town, which condition is dangerous to the health and lives of the students of said schools; and

Whereas, it is imperative that action be taken at the earliest possible moment to relieve this dangerous condition; and

Whereas, it is imperative that action be taken at the earliest possible time to acquire land and to construct a new junior high school building that will accommodate the students attending junior high school in the City of Old Town, and thereby utilize the facilities of the present junior high school building to absorb the overflow of pupils attending the secondary and elementary schools; and

Whereas, it will be impossible to borrow the requisite amount of money needed to complete the construction of such junior high school building unless the school district is created; 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. Territorial limits; name; purposes. Subject to the provisions of this act, the territory comprising the City of Old Town and the inhabitants therein are created a body politic and corporate under the name of the "Old Town Junior High School District" for the purpose of acquiring land within the limits of the City of Old Town for the use of the Junior High School District for the purpose of erecting, constructing, equipping, repairing and maintaining thereon a junior high school building with the right to lease or let said property to said City of Old Town all for the benefit of the inhabitants of said district.

Sec. 2. City of Old Town authorized to convey to district. The City of Old Town, a municipal corporation created by law and located in Penobscot County, is expressly authorized to convey to said district any land acquired by the City of Old Town.

Sec. 3. How managed. All the affairs of said district as are herein provided shall be managed by a board of trustees, composed of 5 members who shall be elected as is hereinafter provided.

Sec. 4. Trustees, how elected; tenure of office; organization of board; officers; vacancies; annual report. The trustees to be elected shall be chosen by the municipal officers of the City of Old Town, but no member of the city council shall, during the term for which he is elected, be chosen one of said board of trustees. The term of office of the trustees shall begin on the date when this act shall become a law under the provisions of the Constitution of Maine. As soon as convenient after the commencement of their term of office, the trustees shall hold a meeting at the city rooms in the City of Old Town, to be called by one of the trustees 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 municipal year, the trustees shall organize as hereinbefore provided. At the first meeting, the trustees so elected shall determine by lot the term of office of each trustee, so that one trustee shall retire each year; and the term of office of the first trustee to expire shall end at the end of the municipal year of the City of Old Town following the acceptance of this act. Whenever the term of office of a trustee expires, his successor shall be appointed by the municipal officers of the City of Old Town to serve for the full term of 5 years; and in case any other vacancy arises it shall be filled in like manner for the unexpired term. When any trustee ceases to be a resident of said district, he vacates the office of trustee and the vacancy shall be filled as aforesaid. All such trustees shall be eligible for reappointment. The said trustees may ordain and establish such by-laws, not inconsistent with the laws of the State, as are necessary for their own convenience and the proper management of the affairs of the said district. No member 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; and such salary, expense of treasurer's bond 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 securities as said trustees may determine, which bond shall remain in the custody of the president. 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 Old Town junior high school building, also all 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 municipal officers of the city of Old Town on or before December 31st of each year.

Sec. 5. How financed. To procure funds for the purpose of this act, the said district, by its trustees, is authorized to issue its bonds to an amount not exceeding the sum of \$800,000. Each bond shall have inscribed upon its face the words "Old Town Junior High School District" and shall bear interest at such rates as the trustees shall determine, payable semi-annually. Said bonds may be issued to mature serially or made to run for such periods as said trustees may determine, but none of which shall run for a longer period than 25 years. The said trustees are also authorized to borrow money for temporary purposes, and to issue therefor the interest-bearing negotiable notes of the district, not exceeding in amount \$25,000 outstanding at any one time, which said notes shall be payable not later than one year from the date thereof. All the aforesaid notes or bonds issued by said 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 a facsimile signature of the president and treasurer printed thereon. Said notes and bonds shall be legal obligations of said district, which is declared to be a quasi-municipal corporation within the meaning of the revised statutes of 1954, chapter 90-A, section, 23, as enacted by the public laws of 1957, chapter 405, section 1 and all the provisions of said section shall be applicable thereto. The said notes and bonds shall be legal investments for savings banks.

Sec. 6. Assessment of taxes authorized to meet indebtedness; how collected; procedure. The trustees of the "Old Town Junior High School District" shall determine what amount is required each year to meet the bonds falling due, and what sum is required each year to meet the interest on said bonds and other necessary expenses in the district, and shall each year thereafter, 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 City of Old Town, requiring them to assess the 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 Old Town, 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 the case of the failure on the part of the treasurer of the city to pay said sum, or in the case of his failure to pay any part thereof on or before the said 31st day of December of the year in which said tax is so 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 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 Revised Statutes, is 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 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 City of Old Town or such other board as may, at that time, have jurisdiction over similar school property; and the then president and treasurer shall cause to be executed, signed and delivered a good and sufficient deed of all the property in said district to the City of Old Town. 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 city treasurer of the City of Old Town. This money shall be used only for school purposes and shall be kept separate from all other money until authorized by the municipal officers of the City of Old Town to be expended as hereinbefore stated.

Sec. 8. 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 legal voters within said district, voting at an election specially called and held for the purpose, by the municipal officers of the City of Old Town, to be held at the voting places in each ward in said city; the date of holding said election to be determined by said municipal officers. Such special election shall be held not later than 4 months after the effective date of this act, and shall be called, advertised and conducted according to the law relating to municipal elections; provided, however, that the board of registration shall not be required to prepare nor the city clerk to post a new list of voters, and for this purpose, said board of registration shall be in session on the 3 secular days next preceding said election, the first 2 days thereof to be devoted to registration of voters and the last day to enable the board to verify the corrections of said list and to complete and close up its records of said sessions.

The city clerk shall reduce the subject matter of this act to the following question: "Shall the Act to Incorporate the Old Town Junior High 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 for all the purposes hereof immediately upon its acceptance by a majority of the legal voters voting at said election; provided that the total number of votes cast for and against the acceptance of this act equals or exceeds 20% of the total vote cast for all candidates for governor in said district at the next preceding gubernatorial election.

The result of such election shall be declared by the city council of the City of Old Town and due certificate thereof filed by the city clerk with the Secretary of State.