

MAINE STATE LEGISLATURE

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ONE - HUNDRETH LEGISLATURE

Legislative Document

No. 826

H. P. 609

House of Representatives, January 25, 1961

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

HARVEY R. PEASE, Clerk

Presented by Mr. Carter of Etna.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

AN ACT to Incorporate the Town of Carmel School District.

Emergency preamble. Whereas, the accommodations for the schools in the Town of Carmel are inadequate to accommodate the pupils therein; and

Whereas, there are at present scattered buildings used for school purposes resulting in inefficiency in administration with corresponding waste of money; and

Whereas, said buildings are in very bad condition and cannot be repaired at any reasonable cost commensurate with the results obtainable; and

Whereas, over-crowded conditions make it impossible to properly instruct the students in said schools and to maintain proper health and sanitary conditions therein whereby the health, welfare, peace and safety of students is jeopardized; and

Whereas, further delay in building a suitable school building or buildings will endanger the health of the students in said town, and will prevent their receiving the proper instruction to which they are entitled; and

Whereas, it is impossible for the Town of Carmel to borrow the necessary money with which to build a school building or buildings; and

Whereas, if immediate action is taken it may be possible to obtain federal funds to assist in the building of the new school building or buildings; 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 legis-

lation 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. Incorporation; name; purposes. Subject to the provisions of this act, the inhabitants of and the territory within the Town of Carmel are created a body politic and corporate under the name of "Town of Carmel 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 completing, grading, furnishing, rebuilding, renovating and otherwise bettering the condition of any, or all buildings within said town 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 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 town.

Sec. 2. Trustees, powers and duties; limitations. All the affairs of said district, except election of teachers who shall serve in the 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 shall be controlled by the school board of the Town of Carmel, shall be managed by a board of 5 trustees who shall be elected as is 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 of office; organization of board; officers; vacancies; compensation; reports. As soon as may be after the acceptance of this act as hereinafter provided, the municipal officers of the Town of Carmel shall appoint 5 trustees of said district, to hold office as follows respectively: One until the annual town meeting in 1962, one until the annual town meeting in 1963, one until the annual town meeting in 1964, one until the annual town meeting in 1965, and one until the annual town meeting in 1966. At each annual town meeting of the Town of Carmel, beginning with the annual town meeting in 1962, one trustee shall be elected to serve until the annual town meeting occurring 5 years thereafter. When any trustee ceases to be a resident of said district he vacates the office of trustee. Any vacancy upon the board of trustees occurring because of change of residence of trustee, resignation, death or any cause except normal expiration of term of office shall be filled by the municipal officers of the Town of Carmel in the same manner in which the original board was appointed and for the unexpired portion of the term of the vacant office. All trustees shall be eligible for reelection or reappointment.

The first meeting of the board of trustees shall be held as soon as convenient after they have been appointed as above provided. At this original meeting, they shall elect from their membership a president, a clerk and a treasurer, shall adopt a corporate seal, may ordain and establish such by-laws consistent with

the laws of the State as are necessary for their own convenience and the proper management of the affairs of said district, and may do all other acts, matters and things necessary to perfect their organization. Within 2 weeks after each annual town meeting of the Town of Carmel, the trustees shall meet for the purpose of electing a president, clerk and treasurer for the ensuing year and until their successors are elected and qualified. The trustees shall have the right and authority to employ and fix compensation of such officers and agents as they may deem necessary for the proper conduct and management of the affairs of the district.

The trustees shall serve without compensation except that the treasurer may receive for his services an amount to be fixed by the board of trustees not in excess of \$100 per year. The treasurer shall give bond to the district in such sum and with such sureties as the trustees may determine, which bond shall remain in the custody of the president. The cost of such bond shall be paid by the district.

At the close of each fiscal year of said district, which shall coincide with the fiscal year of the Town of Carmel, 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 matters and things pertaining to said district as shall show the inhabitants thereof how said trustees are fulfilling the duties and obligations of their trusts. Such report shall be made and filed with the municipal officers of the Town of Carmel or or before March 1st 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 district is authorized, by its trustees, 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 \$75,000 at any one time outstanding. Each bond and note shall have inscribed upon its face the words "Town of Carmel 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 and notes may be issued to mature serially or made to run for such period as said trustees may determine, but none of which shall run for a longer period than 30 years from the date of original issue thereof. 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 president and treasurer printed thereon. Said bonds and notes 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 public laws of 1957, chapter 405, section 1, 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 district is authorized and empowered to enter into such an agreement with the Federal Government, or any agency thereof or any corporation or board authorized by the 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. 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 $2\frac{1}{2}\%$ 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 savings bank 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 canceled, be reissued.

In case the amount in any sinking fund shall not be sufficient to pay the total amount when due of the bonds or 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 granted to said district to issue new bonds or notes sufficient in amount to pay or redeem 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 40 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 "Town of Carmel 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 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 Carmel, 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 Carmel, 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 town 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 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 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 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 Town of Carmel 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 Town of Carmel. All money, if any, remaining in the treasury of said district at the time said trustees cease to function, shall be given to the town treasurer of the Town of Carmel. This money shall be used only for school purposes and shall be kept separate from all other money until authorized by the selectmen of the Town of Carmel to be expended for one or more of the purposes stated in this act.

Sec. 8. Authority to receive property from the Town of Carmel. The Town of Carmel School District is authorized to receive from the Town of Carmel and said Town of Carmel is authorized to transfer and convey to said district, any property, real, personal or mixed, now or hereafter owned or held by the Town of Carmel for school purposes, and any sums of money or other assets which the said Town of Carmel has 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 of Carmel shall be duly authorized to do so by a majority vote of the legal voters present at any annual or special town meeting, the call for which shall have given notice of the proposed action.

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 voters of the Town of Carmel at any regular or special town meeting called for the purpose not later than 8 months after approval of this act. Any special meeting shall be called, notified and conducted according to law, but the selectmen in the Town of Carmel need not prepare for posting, nor the town clerk to post, a new list of voters. For the purpose of registration of voters, the selectmen shall be in session one hour next preceding the special meeting.

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 to Incorporate the Town of Carmel 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 immediately upon its acceptance by a majority of the voters voting at said meeting, but only if the total number of votes cast for and against the acceptance of this act equals or exceeds 20% of the total vote for all candidates for Governor cast in said Town of Carmel at the next preceding gubernatorial election.

The result of the vote shall be declared by the municipal officers of the Town of Carmel and due certificate thereof shall be filed by the town clerk with the Secretary of State.