

MAINE STATE LEGISLATURE

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ONE - HUNDRETH LEGISLATURE

Legislative Document

No. 1296

H. P. 948

House of Representatives, February 7, 1961

Referred to Committee on Towns and Counties. Sent up for concurrence and 1,000 ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Estey of Portland by request.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

AN ACT Providing for Construction and Maintenance of School Buildings by the Several Counties.

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

Sec. 1. R. S., c. 41, §§ 260-270, additional. Chapter 41 of the Revised Statutes, as amended, is further amended by adding 11 new sections, to be numbered 260 to 270, to read as follows:

'School Construction and Maintenance by Counties.

Sec. 260. Counties to assume cost of school construction and maintenance. Effective January 1, 1962 the obligation and entire cost of construction and maintenance of public school buildings shall be transferred from the municipalities, community school districts and school administrative districts to the counties. This expense shall thereafter be included in the county budget, approved by the Legislature, and levied as a part of the county tax against the general property of the municipalities within the county.

"Maintenance" as used in sections 260 to 270 shall include all repairs to the exterior of the building except for broken glass, all structural repairs and alterations and all repairs to the plumbing, heating and electrical systems, including replacement of fixtures where necessary. It shall not include interior decorating, refinishing of floors, or the cost of fuel, utilities or janitor service.

Sec. 261. Counties to assume debt. Effective January 1, 1962 the counties shall assume and pay the interest on all bonds, notes and other obligations of the municipalities, community school districts and school administrative districts arising from construction and repair of school buildings located within the

county, and shall pay the principal amount of said bonds, notes or other obligations when the same falls due. The county commissioners shall have the option of assuming and paying said bonds and notes according to the tenor of the same, or of issuing the bonds and notes of the counties in order to pay off and consolidate the existing bonds, notes and obligations.

Sec. 262. County superintendent of school buildings. The county commissioners of each county shall appoint a person experienced in the construction and repair of buildings to be superintendent of school buildings. He shall serve at their pleasure and receive such salary as they shall determine. The superintendent of school buildings shall have the care and supervision of all school buildings within the county. He shall inspect all school buildings annually, consult with the various superintending school committees, school district committees and school superintendents, and recommend to the county commissioners such repairs and improvements as he believes to be necessary on or before the first day of December of each year.

Sec. 263. Contracts for repairs. Every contract for repairs or improvements to a school building of \$1,000 or more shall be let by the county commissioners only after receiving 2 or more bids in writing, unless unusual circumstances make this impractical. Contracts for repairs or improvements to a school building of less than \$1,000 may be let by the county commissioners without receiving bids for same, and in this case local contractor shall have preference if equally competent.

Sec. 264. Construction of new school buildings. The construction of all new classrooms, laboratories, vocational training rooms, gymnasiums, auditoriums and rooms and buildings of every type and description to be used for the housing and instruction of public school pupils of grades sub-primary through 12 shall hereafter be determined and provided for under this section.

I. State School Building Commission. There shall be a State School Building Commission consisting of 3 members, who shall be appointed for terms of 5 years by the Governor with the advice and consent of the Council. When performing duties as prescribed in this section, they shall receive \$50 per diem and expenses, to be paid from the State Treasury and included in the budget of the State Department of Education. Necessary clerical help shall be provided by the department.

II. Joint Board for Construction of School Buildings. The State School Building Commission and the county commissioners of the county in which a new school is desired, acting jointly, shall constitute the Joint Board for Construction of School Buildings.

III. Petition. Whenever a superintending school committee or school district committee believes that the construction of new school rooms or facilities is needed in its municipality or district, it shall petition the State School Building Commission, giving a brief statement of the facts, and requesting a hearing before the Joint Board for Construction of School Buildings. The commission shall thereupon schedule a hearing on the petition in such municipality or school district on a date convenient to the county commissioners.

A copy of the petition with notice of the time and place of the hearing thereon shall be posted by a constable or deputy sheriff in at least 3 public places in the petitioning municipality, or if by a district, in at least 2 public places in each member municipality of the district at least 14 days before the date of the hearing, and shall be published in a newspaper published in the county on 2 different days, with the first publication at least 14 days before the date of the hearing. If the petition is by a municipality, and any of the rooms to be built are to be used for grades 7 through 12, a copy of the petition and notice of hearing shall be mailed to the municipal officers and superintending school committee of each adjoining municipality not presently within a school district.

IV. Hearing. At the time and place scheduled in the public notices, the joint board shall hold a public hearing. It shall elect a chairman and a clerk, who shall record the proceedings, and after a full hearing shall decide the following questions:

1. Are new school rooms needed in this district or municipality? and if the answer is yes:
2. How many rooms are needed?
3. What grades shall they accommodate?
4. What types of rooms are needed?
5. Where shall the school be located?

If the joint board decides the first question in the affirmative and reaches a decision on the remaining questions, it shall adjourn. The county commissioners shall provide funds for the erection of the school, and must commence construction within one year from the date of adjournment.

V. School building committee. The county commissioners and the school district committee or superintending school committee shall then become a school building committee. If the school is not in a district, but is to accommodate pupils from more than one municipality, the superintending school committee from each municipality shall be a part of the building committee. The building committee shall proceed to hire an architect and approve plans for the school. The plans shall also be approved by the State School Building Commission. When the plans are completed and approved, construction bids shall be obtained. If satisfactory bids are obtained, the county commissioners shall contract for the construction of the school. All architectural and engineering fees shall be paid by the county.

VI. Fixtures. All fixtures, including blackboards, laboratory benches, intercommunication equipment, kitchen counters, built-in refrigerators, lockers, heavy vocational training equipment and permanent gym equipment shall be furnished by the county. All movable furniture and equipment shall be furnished by the municipality or district.

Sec. 265. Powers of county commissioners; appeal. Said county commissioners acting for and in the name of the several counties are authorized for the aforesaid purposes to acquire by purchase or by the exercise of the right of eminent domain, or otherwise, and hold land, real estate, rights and easements or interests therein, at such locations within the several counties as shall be approved as aforesaid.

If the said county commissioners determine that public exigency requires the taking of such land or any interest therein forthwith, or if said commissioners are unable to purchase said land or the necessary ways and access thereto at what they deem a reasonable valuation, they shall cause the same to be surveyed and described and a plan thereof made and shall adopt an order of taking and cause said description and order to be recorded in the registry of deeds for the county or registry district where the land is located, and a print of the plan to be filed in the county commissioners' office of the county where the same is located, and a notice thereof to be given in some newspaper, if any, published wholly or in part in the county.

In case there is a mortgage of record covering any of said land, written or printed notice of said taking shall be sent forthwith by registered mail to the holder of record of said mortgage, addressed to his place of abode if known, otherwise to the abode or address as set forth in said record.

The record of said description shall vest the fee of the described property in the county. Within one year of the completion of the project for which the land is taken, the commissioners shall file a plan for recording in the registry of deeds for the county or registry district where the same is located. The commissioners, or any party claiming an interest in the land taken by eminent domain, may petition the Superior Court for a hearing before referees. The court shall thereupon appoint 3 disinterested persons as referees, who shall order a time and place for a hearing to be held in the county where the property lies and shall cause 30 days' notice of said time and place by posting copies of the petition with their order thereon in 2 conspicuous places in the municipality in which said property lies, by publishing said petition and order in some newspaper, if any, in said county and by giving written notice by registered mail to the holders of record titles to land, to be sent to said owner's place of abode, if known, otherwise to the abode or address as set forth in said records.

The referees shall meet at the time and place appointed, view the property and hear the interested parties present. They shall then determine the damages. The referees shall notify the interested parties by registered mail of their decision, and file their report with the clerk of courts.

If either the commissioners or the landowner desires to appeal from the decision of the referees, they may, on motion made within 30 days of the date of filing of the referees' report, have the matter heard in the Superior Court by a jury. If no motion is filed within said 30-day period, the referees' report shall become final.

All awards for damages for land taken by eminent domain shall bear interest at 6% from the date of taking to the date of filing of the referees' report. Costs shall be allowed by rule of court.

Sec. 266. County authority to borrow. In order to provide funds for the refunding of the municipal and school district debt, for the construction and equipping of new schools, and for acquisition and development of sites therefor under sections 260 to 265, the county treasurers of the several counties, with the approval of the county commissioners, may borrow from time to time upon the full faith and credit of their respective counties, such sums, not exceeding in the aggregate 4% of the most recent state valuation of the county as determined by the Board of Equalization under chapter 16, section 67, as may be necessary, and may issue bonds or notes therefor, which shall bear on their face the words " County, Maine, School Construction Bonds" and the date of issue. Each authorized issue shall constitute a separate loan. Such bonds or notes shall be payable in such annual installments, beginning not more than 2 years from the date thereof, as will extinguish each loan in not more than 25 years from its date, and so that the amount of such annual payment of principal in any year shall not be less by more than \$5,000 than the amount of principal of the loan payable in any subsequent year. Such bonds or notes shall be signed by the treasurer of the county and countersigned by the majority of said county commissioners. The county may sell such securities at public or private sale upon such terms and conditions as the said county commissioners may deem proper, but at not less than par and accrued interest. Such bonds or notes shall be valid without first obtaining the consent of said county as provided in chapter 89, sections 27 to 29.

Said county treasurer, subject to the previous paragraph and with the approval of the said county commissioners, may issue temporary notes of the county, payable in not more than one year from their dates in anticipation of the issue of serial bonds or notes under authority of the previous paragraph, and may renew the same, but the time in which such serial bonds or notes shall become due and payable shall not, by reason of such temporary notes, be extended beyond the term fixed by the previous paragraph. Any notes issued in anticipation of the serial bonds or notes shall be paid from the proceeds thereof.

Sec. 267. Pupils crossing county lines. When pupils cross county lines to attend school, the county in which they reside shall pay to the county where the school is located the sum of \$50 per year for each pupil attending school in the adjoining county, as its share of building and maintaining the school. The payment shall be based on the number of such pupils attending school on the first day of April of each year.

Sec. 268. Effect on school districts. Sections 260 to 267 shall not affect the validity of any existing school district. It shall not affect the normal operation of any district, except to relieve it of the burden of building and repairing its school buildings.

Sec. 269. State subsidy. Effective January 1, 1962, the amount of money appropriated by the Legislature in each fiscal year as a subsidy for the construction of school buildings, and money received by the State from the Federal Government or any other source for this purpose, shall be divided among the counties according to the following formula:

	CE	TSM equals total subsidy money.
TSM x —		CE equals county enrollment on April 1st.
	SE	SE equals state enrollment on April 1st.

Sec. 270. Value of school buildings. After January 1, 1962, the value of school buildings shall no longer be a factor in determining tuition for pupils attending public schools.'

Sec. 2. Appropriation. There is appropriated from the Unappropriated Surplus of the General Fund to the Department of Education for the salaries, expense and clerical help of the State School Building Commission the sum of \$20,000 for the fiscal year ending June 30, 1962 and the sum of \$25,000 for the fiscal year ending June 30, 1963.

Sec. 3. County budgets. The county budgets of the several counties now before the 100th Legislature for the year 1962 shall be amended by including such sums as may be necessary to enable the counties to meet the obligations imposed on them by section 1 of this act. In order to accomplish this, said budgets shall be held in committee until the information is available and can be included in the budget.