

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION
(EMERGENCY)

ONE-HUNDREDDTH LEGISLATURE

Legislative Document

No. 1675

H. P. 1222 House of Representatives, November 27, 1961
The Committee on Legal Affairs suggested.
Presented by Mr. Davis of Calais. HARVEY R. PEASE, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

AN ACT Amending the Charter of the Calais School District.

Emergency preamble. Whereas, acts of the Legislature do not become effective until 90 days after adjournment of the Legislature unless enacted as emergencies; and

Whereas, the Legislature during its regular session in 1961 passed private and special law, chapter 86 to authorize \$250,000 in additional indebtedness of the Calais School District to construct a new school building to supplement the present inadequate accommodations in the City of Calais; and

Whereas, it appears that the private and special laws of 1937, chapter 27, section 1, as amended by the private and special laws of 1945, chapter 109, may not have created a valid school district under the provisions of the Constitution of the State of Maine; and

Whereas, learned legal counsel for certain banking institutions have thereby advised that the bonds of said school district may not be properly secured; 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. P. & S. L., 1937, c. 27, § 1, amended. Section 1 of chapter 27 of the private and special laws of 1937, as amended by section 1 of chapter 109 of the private and special laws of 1945, is further amended to read as follows:

'Sec. 1. Calais School District, incorporated. Subject to the provisions of section 7 hereof, the inhabitants and territory within the City of Calais are hereby created a body politic and corporate under the name of Calais School District **for the purpose of acquiring property within said city for school and related athletic and recreational purposes;** for the purpose of erecting, **enlarging,** equipping and maintaining on ~~city~~ **said property school buildings and related athletic and recreational facilities with the right to lease or let said property to said city;** for the purpose of maintaining and improving other school buildings in said district; for the purpose of financing increased school expenses caused by the loss of major school buildings by fire in April, 1935 and February, 1945; for the purpose of replacing city and school trust funds lost through bank failure; and for the purpose of maintaining ~~a school with the right to lease or let said property to said city~~ **elementary and secondary schools;** all for the benefit of the inhabitants of said city.'

Sec. 2. P. & S. L., 1937, c. 27, § 1-A, additional. Chapter 27 of the private and special laws of 1937 is amended by adding a new section 1-A, to read as follows:

'Sec. 1-A. Authority to receive property from the City of Calais. The "Calais School District" is hereby authorized to receive from the City of Calais, and said City of Calais is hereby authorized to transfer and convey to said district, any property, real, personal or mixed, now or hereafter owned or held by the City of Calais for school purposes, and any sum of money or other assets which the said City of Calais has raised or may raise, either by taxation, borrowing or otherwise, for school purposes.'

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.

STATEMENT OF FACTS

The 100th Legislature enacted an amendment to the Calais School District Act of 1937 to authorize \$250,000 in bonds for construction of a new elementary school. This was passed as an emergency measure and Calais voters approved it by referendum vote on April 3rd. Subsequently, attorneys for certain Boston lending institutions questioned the validity of the original school act. Consequently, it has not been possible up to now to borrow the required funds. Accordingly, this legislation has been introduced to validate the School District Act. Since the Calais school system is extremely over-crowded and, in fact, now utilizing one non-school building, it is essential that this legislation be enacted at this time so that new school facilities will be available by September, 1962. The changes in the school district charter are of a legally technical nature and are being made only for the purpose of creating an independent entity which will be a proper instrumentality for the issuance of bonds.