

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIRST LEGISLATURE

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**Legislative Document**

**No. 210**

H. P. 160

House of Representatives, January 15, 1963

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

HARVEY R. PEASE, Clerk

Presented by Mr. Easton of Winterport.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-THREE

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**AN ACT to Incorporate the Town of Winterport School District.**

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

Whereas, overcrowded 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 Winterport to borrow the necessary money with which to build a 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 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. Incorporation; name; purposes.** Subject to the provisions of sections 7 and 9 hereof, the inhabitants of and the territory within the Town of Winterport are hereby created a body politic and corporate under the name of "Town of Winterport 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 district.

**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 courses 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 Winterport, shall be managed by a board of 5 trustees who shall be elected as 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.** The trustees shall be elected by a regular or special town meeting at any time after the acceptance of this act as hereinafter provided. They shall be residents of said district and shall be elected as follows: The first board of 5 trustees so elected shall designate by lot one member to hold office until the annual town meeting in 1964, 2 members to hold office until the annual town meeting in 1965, and 2 members to hold office until the annual town meeting in 1966. At each annual town meeting of the Town of Winterport, beginning with the annual town meeting in 1964, a trustee or trustees, as the case may be, shall be elected to serve until the annual town meeting occurring 3 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 appointment of the municipal officers of the Town of Winterport, such appointment to be effective until the next annual town meeting, at which a trustee shall be elected to fill the vacancy for the unexpired term.

As soon as convenient after all the members of said board have been elected, the trustees shall hold a meeting to be called by one of their number after such reasonable notice as he may deem proper; at the first meeting of said trustees, they shall organize by the election from their own membership of a president, clerk and treasurer, adopt a corporate seal and do all other acts, matters and things necessary to perfect their organization. Thus organized, the trustees shall have the right and authority to employ such officers and agents as they may deem necessary for the proper conduct and management of the affairs of said district and annually thereafter at the beginning of each municipal year, the trustees shall organize as herein provided.

The trustees shall serve without compensation, except that the treasurer shall receive as full compensation for his services an amount to be fixed by the board of selectmen of said Town of Winterport, not to exceed \$100 per year; and such salary and 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, of the physical condition of the school buildings and equipment, 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; and such report shall be made and filed with the municipal officers of said town on or before February 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 trustees are authorized from time to time to borrow such sums of money as shall be fixed at an annual meeting of the Town of Winterport or a special meeting thereof called and held for that purpose, and to issue bonds and notes of the district therefor, but shall not incur a total indebtedness exceeding the sum of \$275,000 at any one time outstanding. Each bond and note shall have inscribed upon its face the words "Town of Winterport School District" and shall bear interest at such rates as the trustees shall determine, payable quarterly or 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 which shall run for a longer period than 30 years from the date of the 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 hereby declared to be a quasi-municipal corporation within the meaning of the Revised Statutes of 1954, chapter 90-A, section 23 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 State Government, or any agency thereof, or any corporation or board authorized by the Federal Government or State Government to loan money or otherwise assist in 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 shall become due. The amount to be paid annually into such sinking fund shall be not less than  $3\frac{1}{3}\%$  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, trust company or 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 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 hereby granted to said trustees 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 30 years from the original date of issue of the original bonds or notes so refunded.

**Sec. 6. Assessments of taxes authorized to meet indebtedness; how collected; procedure.** The trustees of the "Town of Winterport 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 assessors of the Town of Winterport, requiring that they assess the total sum so determined upon the taxable polls and estates within said district and to commit their assessments to the constable or collector of said Town of Winterport, 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 Waldo 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. 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 superintending school committee of the Town of Winterport 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 Winterport. 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 Winterport. 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 Winterport to be expended for one or more of the purposes stated in this act.

**Sec. 8. Authority to receive property from the Town of Winterport.** The Town of Winterport school district is hereby authorized to receive from the Town of Winterport and said Town of Winterport is hereby authorized to transfer and convey or sublease, as the case may be, to said district any property, real, personal or mixed, now or hereafter owned, held or leased by the Town of Winterport for school purposes and any sums of money or other assets which the said Town of Winterport has raised or may raise, either by taxation, borrowing or otherwise, for school purposes. Before transferring and conveying or subleasing any of said property or turning over any of said funds or assets, the municipal officers of the Town of Winterport 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.

**Sec. 9. Emergency clause; effective date; referendum.** In view of the emergency recited in the preamble, this act shall take effect when approved, only for the purpose of permitting its submission to the legal voters of the Town of Winterport at any annual or special meeting called and held for the purpose not later than 4 months after the approval of this act. Such special meeting shall be called, advertised and conducted according to the law relating to municipal elections. The town clerk shall reduce the subject matter of this act to the following question: "Shall the Act to Incorporate the Town of Winterport School District, passed by the 101st Legislature, be accepted?" The voters shall indicate by a cross or check mark placed over 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 meeting.

The result in said district shall be declared by the municipal officers of the Town of Winterport and due certificate thereof shall be filed by the clerk of said town with the Secretary of State.