

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIRST LEGISLATURE

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**Legislative Document**

**No. 586**

H. P. 387

House of Representatives, January 23, 1963

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

HARVEY R. PEASE, Clerk.

Presented by Mr. MacPhail of Owl's Head.

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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 Create the Georges Valley Community School District.**

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**Emergency preamble.** Whereas, the municipalities of St. George, Thomaston and Cushing have conducted a thorough study of the secondary school situation in the area; and

Whereas, there is vital need for safe and adequate secondary school facilities in the municipalities; and

Whereas, it is necessary that the secondary school programs in said area be improved and more efficiently operated; and

Whereas, the municipalities involved have indicated their willingness to form a Community School District, 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.** The inhabitants of and the territory within the Towns of St. George, Thomaston and Cushing are hereby created a body politic and corporate under the name "Georges Valley Community School District," hereinafter called the "district", subject to the provisions of section 15, for the benefit and welfare of the inhabitants of said district, and for the following purposes: To acquire real property within said district for school and related athletic and recreational purposes; to erect, acquire, enlarge, renovate, equip and maintain on said property a school building or buildings and

related athletic and recreational facilities; to receive, accept and hold gifts, grants or devises of property, real, personal or mixed, to be used for school and related athletic and recreational purposes; and to organize, maintain and conduct a community secondary school. For the purposes of this act the word "school" is defined to mean grades 9 through 12.

**Sec. 2. Board of trustees: powers, election, organization.** All of the affairs of said district, except election of teachers who shall serve in said school and the fixing of their salaries, the courses of study, the terms of school and other matters pertaining to the education of pupils, which matters shall be controlled by the community school committee for which provision is hereinafter made, shall be managed by a board of trustees as herein provided. Except as shall be otherwise in this act specifically provided, the board of trustees, acting for said district, shall have and exercise all the powers and authority necessary to carry out the purposes of this act and the powers and authority granted herein.

The board of trustees shall consist of 9 members, composed of 3 members from the Town of St. George, 3 members from the Town of Thomaston, and 3 members from the Town of Cushing.

The 3 trustees from each participating town shall, in the first instance, be elected at the respective town meetings, either annual or special, held in the respective towns on, or within 30 days of, the acceptance of this act by the respective towns. At said meetings there shall be elected in each participating town one trustee to serve until April 1, 1964, one trustee to serve until April 1, 1965, and one trustee to serve until April 1, 1966. Thereafter, at the annual town meeting of each participating town, beginning in 1964, one member shall be elected each year for a term of 3 years, beginning on April 1st in such year, by the inhabitants of the district who are voters in their respective towns.

Vacancies in the office of trustees shall be temporarily filled by appointment by the municipal officers of the town where the former trustee resided until a successor trustee is elected for the unexpired portion of the term, if any, at the next annual town meeting in said town.

Trustees elected or appointed shall serve until their successors are elected and qualified.

A person who shall be a member of the community school committee shall not be eligible to serve as a member of the board of trustees during the term of office on such school committee.

Following the annual town meetings of the respective towns of the district, the trustees so elected shall forthwith hold a meeting upon call of one of their number who shall mail a notice stating the time and place of said meeting, postage prepaid, addressed to each other elected trustee and to the superintendent of schools for the participating towns respectively at their usual residences in said district at least 7 days before the day of said meeting; provided, however, that such notice may be waived in writing by any person entitled to receive it. The trustees shall, at their first meeting or at any adjourned session thereof, or at a subsequent meeting similarly called, organize by choosing by ballot from among

their members a chairman and a treasurer who shall hold office until the following April 1st and until their respective successors are elected and qualified.

The superintendent of schools for the community school shall, ex-officio, be the secretary of said board of trustees and, until the establishment of the community school, the superintendent of schools for the Towns of St. George, Thomaston and Cushing shall so serve.

The trustees shall adopt bylaws, not contrary to law, for the proper management of the affairs of the district, and shall adopt an official seal.

The trustees shall serve without compensation, except the treasurer may receive for his services an amount to be fixed by the board of trustees not to exceed \$600 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 be deposited with the chairman. The expense of such bond shall be paid by the district. The treasurer's salary, bond premium and all expenses of the district shall be paid from the funds of the district.

**Sec. 3. Authority to issue bonds.** To procure funds for such purposes of the district as stated in section 1, but not for any expense of operation, the board of trustees of this district is authorized by the vote of not less than a majority of all of the trustees, to borrow money from time to time and to issue bonds in the name and on the full faith and credit of the district; provided, however, that the district shall not incur a total bonded indebtedness at any one time outstanding in excess of \$900,000. Each bond shall have inscribed upon its face the words "Goerges Valley Community School District" and shall bear an impression of the district seal. Each bond shall be dated at such time, be in such denomination, bear such rate of interest not exceeding 5% per year, payable semiannually, be in such form, subject to the provision of this act, and be sold in such manner, at public or private sale, as shall be determined by a majority vote of all of said trustees. Each issue of said bonds shall mature in annual installments which shall be substantially equal or shall be so arranged that no installment payable in any year shall be less than the amount of any installment payable in any subsequent year. The first installment of any issue of bonds shall mature not later than 2 years from the date of such issue and the last installment shall mature not later than 20 years therefrom. Any premium received from the sale of said bonds, less the cost of preparing, issuing and marketing them, shall be applied against the principal of the first of said bonds to mature. The proceeds arising from the sale of bonds issued under the authority of this act shall be delivered to the treasurer of the board of trustees and such proceeds shall be expended for the purpose or purposes for which such bonds were authorized hereunder. No purchaser of any bonds issued under the authority of this act shall be in any way responsible for the proper application of the proceeds derived from the sale thereof.

**Sec. 4. Referendum in bond issues.** When the trustees shall have authorized the issue of any bonds, an attested copy of the vote of the trustees shall be forthwith filed with the municipal officers of each of the participating towns and published in a newspaper having a circulation in the district not later than 7 days following the day on which the vote was adopted by the trustees. A vote

of the trustees authorizing an issue of bonds under this act shall not become effective before the expiration of 15 days from the date upon which the vote is adopted. If within said period a petition, signed by at least 10% of the residents in the district eligible to vote on the date that the issuance of bonds by the trustees was adopted as shown by the district voting list, shall be filed with the chairman or the secretary of the board of trustees, asking that the question of whether such bonds to be issued be submitted to the voters of the district, such vote of the trustees shall be further suspended from becoming effective and the trustees shall immediately reconsider such vote. If such vote is not rescinded by the trustees, the question of whether such bonds shall be issued shall be submitted by the trustees to the voters of the district at a special meeting of the qualified voters in the district to be held in said district within 60 days of the receipt of aforementioned petition. Said special meeting shall be called and held as provided in section 11 hereof except that the notice shall set forth the vote of the trustees authorizing said bonds, the approval or disapproval of the issue of which is to be submitted to the voters of the district, together with the proposed form of the ballot to be used at such special meeting. At such special meeting the vote on the question of whether such bonds shall be issued shall be by ballot, the form of which shall be substantially as follows:

OFFICIAL BALLOT

Georges Valley Community School District

Shall bonds of the Georges Valley Community School District be issued in the amount of \$..... bearing interest not to exceed ..... per cent for the purpose of procuring funds for the following purposes, viz.: (insert brief description of purposes).

If in favor of bond issue, make a cross (X) or check mark (v) in this square.

If opposed to the bond issue make a cross (X) or check mark (v) in this square.

.....

If a majority of the qualified voters voting at such a meeting approve the issue of said bonds, the vote of the trustees authorizing said bonds shall become effective; if not approved, said vote shall be null and void. The voters qualified to vote at said special meeting shall be determined by the use of the district voting list.

**Sec. 4-A. District voting list.** The board of trustees of the district shall appoint a resident of said district to make and keep a voting list of all residents in the district eligible to vote. This person shall be known as the registration clerk. The registration clerk shall compile his voting list from the voting list of all municipalities lying within the community school district. At least 14 days before any meeting at which the citizens of the district are called upon to vote, the registration clerk shall bring his voting list up to date by comparing his list with those voting lists found in the municipalities of the district and by making such additions and deletions as he finds necessary. No additions or deletions shall be made in the 14-day period prior to said meeting.

**Sec. 5. Authority to issue temporary notes.** In any fiscal year in anticipation of taxes assessed or to be assessed, or in anticipation of sale of bonds, the board of trustees of the district may, by a vote of a majority of its members, authorize the borrowing of money by the issuance of notes. Such notes shall mature not later than one year from their date but may be renewed from time to time provided that the period of the original note plus that of renewals thereof shall not exceed 2 years. Said notes, bonds as referred to in section 3, and any contract or agreement of the district with the Town of Thomaston 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, and all the provisions of said section shall be applicable thereto. All bonds and notes issued by the district shall be signed by the treasurer and countersigned by the chairman, and the coupons appended to bonds shall be attested by a facsimile signature of the treasurer printed thereon.

**Sec. 6. Agreements for financial assistance authorized.** Said district is hereby authorized by the vote of at least a majority of all the trustees to enter into an agreement with the State Government or Federal Government or any agency thereof or any corporation or board authorized by the Federal Government or the State of Maine to loan money to, or otherwise assist in the financing of such projects as the district is authorized to finance by the issue of its bonds and as may be necessary or desirable to accomplish such purposes.

**Sec. 7. Community school committee; powers.** The representation of each town on the community school committee shall be determined by the trustees of the district each year and shall be in approximately the same ratio to the total membership of the committee as the town's pupil enrollment in grades 9-12 is to the enrollment in the school. No town shall have less than one nor more than 3 representatives on the committee. The superintending school committee of each town shall choose from its membership the representation on the community school committee to which the town is entitled as above provided and membership on the community committee shall be coterminous with the member's term of office on the superintending school committee of the town which he represents. Vacancies shall be filled by the superintending school committee of the town in whose representation the vacancy occurs. Adjustments in the representation of the several towns shall be made whenever changes in the enrollment from the individual towns make the existing representation in conflict with the provisions of this section. The committee shall at its first meeting and annually in April thereafter choose by ballot from its membership a chairman and a vice-chairman. The superintendent of schools for the district shall, ex-officio, be secretary of said committee. Until the establishment of the community school, the superintendent of the participating towns shall be the secretary. The community school committee and the community school district, respectively, shall have all the privileges, powers and duties with respect to the community school conferred upon any superintending school committees and any community school districts, respectively, under the general statutes and those enumerated in section 2.

**Sec. 8. Applications of general law; certain exceptions.** The community school, for which provision is herein made, when established shall be considered the official secondary school of the participating towns and all provisions of

general law relating to public education shall apply to said school, except those as certified by this act.

Expenses for the operation of said school as defined in codes 100 through 600 of the State Educational Records and Report Series: Handbook 11, shall be divided according to the proportional assessment of each participating town as determined in section 11. There may be in the operating budget an item of appropriation marked "Contingent" but that item shall not exceed 3% of the total appropriation in the operational budget.

All members of the faculty for the community high school who are hired from the secondary staff of participating towns will maintain whatever tenure status they may have in their present positions.

Transportation for the community school shall be provided by the community school committee in the same manner as is provided for transportation of elementary school pupils in the Revised Statutes of 1954, chapter 41, section 14, as amended, the expenditures for transportation to be considered an expense of operation of said school. Tuition charges for secondary pupils from towns outside the district shall be determined by the trustees and shall not exceed the legal rate of tuition as prescribed by the State of Maine.

**Sec. 9. Superintendent of schools.** The superintendent of the community school shall be selected by the committee and the amount of his salary to be paid by the district shall be determined by said committee. He shall have the same duties, powers and responsibilities with respect to said school and its committee as are prescribed by law for public school superintendents.

**Sec. 10. Annual reports and budget.** The fiscal year of the district shall be the calendar year. At the close of the fiscal year and not later than January 31st, the trustees and the school committee shall annually make a joint report of their doings, showing the financial condition of the district and other matters pertaining to the district as shall show the inhabitants of the district how said trustees and said committee are fulfilling the duties and obligations of their respective trusts. The report shall also include the sum required each year to meet the bonds falling due and what further sum is necessary to meet the interest on said bonds or other obligations, and the rentals and other charges provided in any contract, lease or agreement with the Town of Thomaston and the Maine School Building Authority and all other expenses necessary for the operation of the community school district, including temporary loans. Copies of said reports shall be filed with the municipal officers of each participating town and may be distributed to the voters of the district by the respective participating towns in the same manner as is provided for town reports; provided, however, that the same shall be distributed not later than February 14th of each year. The cost of printing and distributing such reports shall be included in the operating budget. Also before March 1st of each year the trustees shall hold a district budget meeting. At this meeting the budget shall be thoroughly explained and the voters of the district shall be given opportunity to be heard. A budget must be approved by the voters of the district at the district budget meeting. At the district budget meetings only those items dealing with expenses necessary to operate the community school, appropriations for reserve funds and

capital outlay appropriation shall be subject to change by the voters. If a budget for the community school district is not approved prior to April 1st in any given year, the budget as submitted in the report of the trustees and committee shall be automatically considered approved. The amount approved for operation as defined in section 8 shall be apportioned to each participating town in the same proportion that the number of secondary pupils from each participating town on the preceding October 1st is to the total membership of the community school on October 1st of the preceding calendar year; provided, however, that until the community school has been in operation one full year, such apportionment shall be based on the total enrollment of pupils from each town attending an approved secondary school in the State of Maine as of February 1st, 1963. The amount approved for all other expenses shall be apportioned to the participating towns on the same ratio that each participating town's latest state valuation is to the total state valuation of all participating towns. The trustees shall thereupon issue their warrants in substantially the same form as the warrant of the Treasurer of State for taxes, to the assessors of each participating town, requiring them to assess upon the taxable polls and estates within said town the amount as approved and to commit the assessment to the constable or collector of said town who shall have all authority and powers to collect said taxes as is in him vested by law to collect state, county and municipal taxes. Any municipality may use the proceeds from gifts or trust funds allocated for educational purposes to reduce the actual amount of assessment to the local taxpayers. In the year in which the tax is so levied, the treasurer of each municipality shall pay the amount of the tax in 3 equal installments to the treasurer of the community school district. The first installment shall be paid on or before April 15th, the 2nd installment shall be paid on or before August 15th, and the 3rd installment on or before December 15th. In case of the failure of the treasurer of the said municipality to pay any installment or part thereof on or before the dates set out above in the year in which the said tax is levied, the treasurer of the community school district shall issue his warrant for the amount of said tax on so much thereof as shall then remain unpaid to the county sheriff requiring him to levy by distress and sale on the real and personal property of any of the residents of said community school district living in the municipality where such default takes place, and the sheriff or any of his deputies shall execute said warrant, except as otherwise provided. 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 such municipality.

**Sec. 11. District budget meeting.** When a district budget meeting is called to approve the community school budget as prepared by the trustees and school committee, the trustees shall call such a meeting as follows:

- I. Each district meeting shall be called by a warrant. The warrant shall be signed by a majority of the trustees.
- II. The warrant calling for the district meeting shall be as follows:
  - A. It shall specify the time and place of the meeting.
  - B. It shall set forth the proposed community school budget in a manner



as hereinafter provided in this section, and no other business may be acted upon.

C. It shall be directed to any resident of the community school district by name ordering him to notify the voters within said district to assemble at the time and place appointed.

D. An attested copy of the warrant shall be posted by the person to whom it is directed in some conspicuous public place in each of the municipalities within the community school district at least 7 days before the meeting.

E. The person who gives notice of the meeting shall make his return on the warrant stating the manner of notice in each municipality and the time when it was given.

III. The warrant shall set forth the school budget in substantially the following form:

Community School Budget for Year . . . .

Operating School Budget	.....	
Contingent Fund	.....	
Reserve Fund for Capital Outlay Purposes		.....
Capital Outlay Appropriation		.....
Totals	.....	.....
<b>Capital Budget Expenditures</b>		
(Assumed indebtedness — Prin. & Int.)		.....
Capital Outlay Bond or Notes		
(Prin. & Int.)		.....
Rentals to M.S.B.A.		
a. Assumed by district		.....
b. Direct Leases		.....
Total Capital		.....
Total Proposed Expenditures		
Operating	.....	
Capital		.....
Subtract balances	.....	
Subtract anticipated state subsidies	.....	
Subtract other out. income	.....	
District appropriation to be		
Assessed to Member Municipalities	.....	.....

IV. The following provisions apply to the district meeting.

A. Each person whose name appears on the district voting list may attend and vote at a district budget meeting.

B. The chairman of the trustees shall open the meeting by call for the

election of a moderator, receiving and counting votes for moderator and swearing in the moderator.

**C.** As soon as he has been elected and sworn, the moderator shall preside at the meeting.

**D.** The secretary to the trustees of the community school district shall record accurately all the votes of the district meeting.

Special meetings of the district may be called by the trustees in the manner as set forth in subsections I and II except that in subsection II, paragraph B, the warrant shall state the business to be transacted and no other business may be acted upon. A majority of legal voters present and voting carries the vote.

**Sec. 12. Authority to receive property.** Whereas the Town of Thomaston has entered into an agreement with the Maine School Building Authority under date of February 1, 1962 for constructing, furnishing and equipping a new secondary or high school building situate on the Jordan lot, so called, in said town, to be ready for occupancy September next, and whereas it is contemplated and proposed that said school building and property shall be acquired and used by the district for its purposes, the trustees of the district are hereby authorized and empowered, upon this act becoming effective as herein provided, to enter into an agreement with the Town of Thomaston, upon such terms and conditions as they shall deem proper, by which said town shall sell, transfer and assign to the district the said lease with the Maine School Building Authority and all the rights, privileges and benefits thereof and accruing thereunder, including the acquisition of the ownership of said school property and Jordan lot premises as provided under the terms of said lease, upon the agreements of the district to keep and perform all the covenants, agreements and provisions of said lease which are by the terms thereof to be kept and performed by said town, and to hold and save harmless the said Town of Thomaston of all cost and expense arising by virtue of its execution of said lease with the Maine School Building Authority.

The participating towns of the district are authorized to sell, convey, transfer, assign and deliver any property, real, personal or mixed, now held or used by them respectively for secondary school purposes to the district, and the district is hereby authorized to acquire, accept and receive the same.

**Sec. 13. Additional participating towns.** The inhabitants of and territory within any town not originally in the district may be included upon vote of all the towns concerned in a manner similar to that prescribed for the establishing of the district and community school herein created under such terms and arrangements as may be recommended by the trustees of the district and approved by such vote of the towns; and thereafter the cost to the inhabitants and territory so applying shall be based on the same proportion as stated in section 10 as determined by the trustees of the district.

**Sec. 14. Withdrawal.** When the inhabitants of a participating town have indicated their desire to withdraw from the district by a 2/3rds vote of the legal voters in said town present and voting at a special meeting called and held in the manner provided by law for the calling and holding of town meet-

ings, such withdrawal may be authorized by special act of the Legislature upon such terms as may be contained in such special act; provided, however, no such withdrawal shall be permitted while the district shall have outstanding indebtedness.

**Sec. 15. Effective date for referendum.** 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 of the Towns of St. George, Thomaston and Cushing to vote on the question at a regular or special town meeting within each respective town called and held not later than 14 days after this act becomes effective.

The town clerk in each respective town shall reduce the subject matter of this act to the following question: "Shall an Act entitled, 'An Act to Create the Georges Valley Community School District,' passed by the 101st Legislature, be accepted?" The voters shall indicate by secret ballot by the words "Yes" or "No" their adoption or rejection of the same.

At the same meeting there shall be an article in the warrant to see if the municipality will vote to authorize the district to assume full responsibility for the following listed indebtedness now outstanding under lease between the Town of Thomaston and the Maine School Building Authority:

The lend-lease agreement of the Town of Thomaston with the Maine School Building Authority in the total amount of \$587,000, with annual principal payments of \$29,350 for 20 years, plus interest on unpaid balance at 03.7%.

The results in said towns shall be declared by the municipal officers of each of said participating towns and returns filed by the respective town clerks with the Secretary of State.

**Sec. 16. Effective date.** This act shall take effect in its entirety when it shall have been approved by a majority vote of the legal voters within each of the participating towns and certified to the Secretary of State, except that the powers and duties of the trustees and school committee shall not apply to the secondary schools now in existence in the participating towns and continuing in operation until the close of the current school year.