

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIRST LEGISLATURE

Legislative Document

No. 678

H. P. 475

House of Representatives, January 24, 1963

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

HARVEY R. PEASE, Clerk

Presented by Mr. Benson of Southwest Harbor.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-THREE

AN ACT to Create a Mount Desert Island Regional School District.

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 Towns of Bar Harbor, Mount Desert, Southwest Harbor and Tremont, or such of them as shall by vote of their inhabitants become participating towns hereunder, are hereby created a body politic and corporate under the name of Mount Desert Island Regional School District for the purpose of acquiring property within said district 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 buildings and related recreational and athletic facilities; for the purpose of receiving, accepting, holding and investing appropriations, gifts, grants or devises of property, real, personal or mixed, the income or principal or both, to be used for school and related athletic and recreational purposes; for the purpose of organizing and maintaining a Regional School; all for the benefit of the inhabitants of said district. For the purpose of this act, the word "school" in defined to mean grades 9 to 12, inclusive, and the words "participating town" are defined to mean a town that has voted to accept this act pursuant to section 16 hereof and a town that has been accepted as a participating town pursuant to section 13 hereof. All provisions of the general law relating to public education shall apply to the said Regional School except and to the extent that they shall be inconsistent with the provisions of this act.

Sec. 2. Trustees, how elected; organization of board; election of officers; tenure of office; vacancies; compensation. All of the affairs of the district relating to the acquisition of property for school and related athletic and recre-

ational purposes, to the construction of school buildings, additions thereto and improvements thereof, to the furnishing of such buildings and additions, to capital outlay purposes as defined in the Revised Statutes of 1954, chapter 41, section 237-H, to improvement of such property and facilities and to the borrowing of money, shall be governed by a board of trustees. Immediately after this act has become effective as provided in section 16, the municipal officers of each participating town shall appoint 3 persons resident in such town to be the original trustees of the Mount Desert Island Regional School District. Said 3 trustees shall be appointed, one for one year, one for 2 years, and one for 3 years, and thereafter one trustee shall be elected each year for a term of 3 years in each of the participating towns by the voters in their respective towns. Said elections shall take place at the annual town meeting and trustees elected or appointed shall serve until their successors are elected and qualified. Vacancies shall be temporarily filled by appointment by the municipal officers of the town in whose representation the vacancy occurs until a successor trustee is elected at the next annual town meeting in said town. The trustees so first appointed, as soon as is convenient thereafter, shall meet for organizational purposes upon call of one of their number after reasonable notice. The said board shall at its first meeting, and annually in April thereafter, choose by ballot from its membership a chairman and a treasurer, both to serve without compensation. The Superintendent of the Regional School, when selected, shall ex officio become the secretary of the said board and until such time a temporary secretary, who need not be a trustee, to be appointed by the trustees shall serve. 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 chairman. The cost of such bond shall be borne by the district.

At the close of the fiscal year the trustees shall make a detailed report of their doings, of the financial condition of the district, and the physical condition of the Regional School building or buildings, said reports to be made, attested to and filed with the municipal officers of each participating town. The said board, acting for the district, shall have and exercise all the powers and authority necessary to carry out its lawful duties.

Sec. 3. Authority to borrow money and issue notes and bonds. To procure funds to pay the current expenses, the district through its Regional School Committee is authorized to borrow temporarily in anticipation of moneys to be received from the participating towns hereunder, by the issuance of the temporary notes of the district. Such temporary notes shall be payable, and shall be paid, not more than one year from their date, but notes issued for a shorter period may be renewed by the issuance of other notes which mature within the required period of one year. The amount of such notes shall not exceed in the aggregate 80% of the total of the amounts assessed against the participating towns under sections 9 and 10 of this act for the fiscal year in which the borrowing is made or, if no such assessments are made, of the amounts so assessed for the preceding fiscal year.

To procure funds for capital outlay purposes, which include acquiring land, constructing, enlarging, renovating, remodeling and equipping school buildings and related recreational and athletic facilities and the purchase of equipment of

a lasting character, the district through its trustees is authorized to issue bonds and notes not to exceed in the aggregate at any one time outstanding, the limit of indebtedness of 6% of the total of the State valuation of all of the participating towns. Contracts, leases or agreements with the Maine School Building Authority shall not be debts or liability within the provisions of this section. Each bond and note shall have inscribed upon its face the words "Mount Desert Island Regional School District," shall be dated at such time or times, shall be in such denomination, shall bear such rate of interest, not exceeding 6% per year, payable semiannually, be in such form subject to the provisions of this act and be sold in such manner, at private or public sale, as said trustees shall determine. The district is hereby authorized to use the proceeds of such bonds and notes to meet interest due thereon during the year following the date of issuance thereof. Each issue of said bonds and notes may be made to mature serially or made to run for such periods as such trustees shall determine, but no such issue shall be for a longer period than 25 years from the date thereof. Each issue of said bonds and notes may be callable at any interest payment date with or without premium and may be refunded within the period of 25 years from the date thereof. All bonds and notes issued by the district shall be signed by the treasurer of the board of trustees and countersigned by the chairman of said board and, if coupon bonds be issued, each coupon shall be attested by the facsimile signatures of the chairman and the treasurer printed thereon. Any such bonds or notes, if properly executed by such officers in office on the date such securities are actually executed, shall be valid and binding according to their terms notwithstanding that before the delivery thereof and payment therefor either or both of such officers shall have for any reason ceased to hold office.

Said notes and bonds and said contracts, leases and agreements of the Maine School Building Authority 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 53, section 137 and chapter 90-A, section 23, as enacted by the public laws of 1957, chapter 405, section 1, and all provisions of said sections or any amendment thereof shall be applicable thereto. Said bonds and notes shall be legal investments for savings banks. The said district is hereby authorized and empowered to enter into such an agreement with the Maine School Building Authority, the State or Federal Government, or any agency thereof, or any corporation or board authorized to loan money or otherwise assist in the financing of such projects as said district is authorized to carry out, as may be necessary or desirable to accomplish the purposes of this act.

Sec. 4. Serial maturities; refunding bonds provided for; sinking fund. In case any bonds or notes of the district at any time are issued in serial form, each such issue of serial bonds or notes shall mature in annual installments which are substantially equal, or equal and diminishing, amounts and the first such installment shall be payable not later than 2 years from the date of such issue and the last such installment shall be payable not later than 25 years from such date. But if the proceeds of an issue of bonds or notes, whether serial or term, are used in whole or in part to fund or refund notes or bonds of the district, the period during which such issue of funding or refunding bonds and notes shall be outstanding, plus the entire period of the loan being refunded, shall not exceed 25 years. No issue of bonds or notes shall be invalid by reason of any defect or invalidity

of notes or bonds being refunded and no purchaser of any bonds or notes of the district shall be responsible for the due application of the proceeds of such bonds or notes.

In case bonds or notes at any time issued are made to run for a period of years, as distinguished from serial bonds or notes, 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 4% 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 issued again.

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 district to issue new bonds or notes sufficient in amount to pay or redeem so many of the 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 25 years from the original date of issue of the original bonds or notes so refunded.

Sec. 5. Regional School Committee; organization; powers; duties; limitations. A Regional School Committee consisting of representatives as hereinafter provided for, of each of the participating towns, shall have the authority to elect teachers who shall serve in said school or schools and to fix their salaries, to establish the courses of study, to fix the terms of school, to purchase supplies and equipment and to deal with other matters pertaining to the education of pupils.

All the affairs of said district, except those herein delegated to the trustees and to the voters of the district, shall be managed by the Regional School Committee.

Each participating town shall have at least 2 representatives on the Regional School Committee. There shall be one additional representative from each participating town whose percentage of the total budgeted expense, as apportioned according to the provisions of section 15 of this act, for the preceding year of the district, is equal to or in excess of 25%. Until the district has been in operation for at least one entire fiscal year, membership on the Regional School Committee for such of the following as shall be participating towns, shall be as hereinafter provided: namely, for the Town of Bar Harbor 3 members; for the Town of Mount Desert 3 members; for the Town of Southwest Harbor 2 members; and for the Town of Tremont 2 members.

The superintending school committee of each participating town shall choose from its membership the representatives of the Regional School Committee to which that participating town is entitled as above provided and membership on the Regional School Committee shall be co-terminous with the member's term of office on the superintending school committee of the participating town which he represents. Vacancies shall be filled by the superintending school committee of the town in whose representation the vacancy occurs and if the number of representatives from the participating town on the Regional School Committee shall be reduced from 3 to 2, the superintending school committee from that participating town shall determine which of the previously selected representatives shall cease to serve.

The Regional School Committee shall, at its first meeting, to be held as soon as convenient after the district is adopted by any 2 or more of the above-named towns, and annually in April thereafter, choose by ballot from its membership a chairman and a secretary.

The Regional School Committee shall have all the powers and duties with respect to the Regional School conferred upon superintending school committees under the general statutes, except to the extent that such power and duties shall have been granted to the Board of Trustees under this Act.

Sec. 6. Superintendent. The superintendent of the Regional School or Schools shall be selected by the Regional School Committee and shall have the same duties, powers and responsibilities with respect to said school or schools and their committee as are prescribed by law for public school superintendents.

Sec. 7. Transportation. Transportation of pupils to and from the Regional School shall be the responsibility of the individual participating towns; provided, however, such transportation may be all or in part the responsibility of Regional School Committee by vote of the district, subject to the approval of the town or towns involved.

Sec. 8. Fiscal year; annual reports. The fiscal year of the district shall begin on the first day of January and end on the 31st day of December of each calendar year. On or before January 15th of each year, the Regional School trustees and the Regional School Committee shall render to the municipal officers of each of the participating towns reports in writing showing the affairs and conditions of the Regional School for the preceding fiscal year and a detailed estimate in the form of a budget of the amount necessary for the operation and maintenance

of said Regional School for the current year. Copies of such reports shall be distributed to the inhabitants of the district in the same manner and form as is provided for town reports, except that the same shall be made available for distribution not later than the annual district meeting of each year.

The voters of the district at each annual meeting of the district shall determine what sum, not less than the amount prescribed by the general law, is required for the operation and maintenance of said Regional School for the current year.

Sec. 9. Capital costs; assessment of taxes authorized; how collected; procedure. The trustees shall determine the sums required each fiscal year to pay:

- I. The bonds, notes and other obligations of the district maturing in such fiscal year, the interest due in such fiscal year on all outstanding bonds and notes and obligations of the district, and interest estimated to be due in such fiscal year on bonds and notes or other obligations to be issued by the district;
- II. Sinking fund payments on outstanding bonds or notes of the district issued for term of years;
- III. Rentals and other charges provided for in any contract, lease or agreement with the Maine School Building Authority;
- IV. Other necessary expenses of the district for capital outlay.

The board of trustees shall each year before the first day of April, apportion the total sums so determined among the towns comprising the district, and issue its warrant in the same form as the warrant of the Treasurer of the State for taxes, with proper changes, to the assessors of each participating town, requiring that they assess upon the taxable polls and estates within each such town, including all village corporations therein, an amount determined in accordance with section 15 of this act, and to commit their assessments to the constable or collectors of said towns, who shall have all authority and powers to collect said taxes as is vested by law to collect state, county and municipal taxes. The treasurers of said participating towns shall pay the amount of the tax so assessed against the taxable polls and estates within their respective municipalities to the treasurer of the Regional School trustees on or before the 31st day of December of each year. In the case of the failure on the part of the treasurer of said participating towns to pay said sum or any part thereof on or before said 31st day of December in the year in which said tax is levied, the treasurer of the district may issue his warrant for the amount of said tax or 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 inhabitants of the participating town where such default takes place and the sheriff or any of his deputies shall execute said warrant, except as otherwise herein provided. The same authority as is vested in county officials for the collection of county taxes under the provisions of the Revised Statutes is vested in the trustees of said district in relation to the collection of taxes within such participating town.

Sec. 10. Operational costs; assessment at taxes authorized; how collected; procedure. The Regional School Committee shall each fiscal year before the

first day of April apportion the total sums required for the operation of the Regional School, as such sums are determined by the voters of the district at the annual meeting thereof, among the participating towns in accordance with section 15 of this act. The Regional School Committee shall then issue its warrant in the same form as the warrant of the Treasurer of the State for taxes, with proper changes, to the assessors of each participating town, who shall deduct the amount of subsidies, or other income, if any, accruing to said town because of its share in the Regional School, and shall assess the remaining sum upon the taxable polls and estates within their participating town and commit their assessments to the constable or collectors of said participating town who shall have authority and power to collect as provided in section 9 of this act. The treasurer of each participating town shall with respect to the sum so assessed make payments, then provide for their collection, all as provided in said section 9 and the Regional School Committee shall with respect to the sums so assessed have the same authority as by said section 9 is granted to the board of trustees.

Sec. 11. Annual meeting of the district; qualifications of voters of district, procedure at district meetings; annual budgets. The annual meeting of the district shall be held within the district, and at the school building when completed, on the 3rd Monday of February, such meeting to start between 9 o'clock in the forenoon and 8 o'clock in the afternoon. The warrant for said meeting or any special meeting shall be signed by the chairman or treasurer of the board of trustees and the chairman or secretary of the Regional School Committee.

The warrant for calling said meeting and any special meeting and procedure in connection therewith shall:

- I. Specify the time; and place of the meeting;
- II. Set forth the business to be acted upon; and
- III. Be directed to any resident of the Regional School District by name, ordering him to notify all voters within such district to assemble at the time and place appointed.

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 participating towns at least 7 days before the meeting, and published in a newspaper having circulation on Mount Desert Island, not more than 21 days and not less than 7 days before the meeting. 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.

The warrant for the annual meeting shall set forth the school budget in substantially the following form:

PROPOSED	
SCHOOL BUDGET FOR YEAR 19	
REGIONAL SCHOOL COMMITTEE	
Operating Budget Expenses	
Total proposed operating expenses	\$_____

BOARD OF TRUSTEES

Capital Budget Expenses**Bonds and Notes**

Principal—Sinking Fund Payments \$

Interest \$

Interest on Temporary Notes \$**Maine School Building Authority**

Assumed by District \$

Rents or lease payments \$

Additions and Improvements \$_____

Total Capital expenses \$_____

Total proposed Expenditure \$_____

Each person whose name appears on the district voting list may attend and vote at a district meeting. The secretary of the school committee shall open the meeting by call for the election of a moderator, receiving and counting votes for moderator, and swearing in the moderator. As soon as he has been elected and sworn, the moderator shall preside at the meeting. The secretary of the school committee shall serve as clerk of the district and shall have custody of the records of district meetings and shall record accurately all the votes of the district meeting.

The trustees 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 lists of all the participating towns. At least 14 days before any meeting, the registration clerk shall bring his voting list up to date by comparing his list with the official voting lists in the participating towns 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. A quorum at any district meeting shall consist of not less than 10 voters of the district, provided at least one voter is present from each of the participating towns.

If for any reason a legally sufficient annual meeting is not held on the date provided above, a meeting in lieu thereof may be called in like manner to be held within 1 month from said date. Every person resident in said district and qualified to vote for Governor in the town in which he resides shall be entitled to vote in any meeting of the district.

Sec. 12. Operating budget; procedure for adoption; special appropriations; liability in excess of appropriation prohibited. The Regional School Committee shall submit at the annual district meeting an operating budget in reasonable detail, the total amount of which shall equal the amount set forth in the warrant for the operating budget and an operating budget for the fiscal year shall be adopted at said annual meeting or an adjourned session thereof. The amounts to be appropriated for the several purposes as set forth in said proposed operating budget may be increased or decreased at the meeting but the total amount specified in the proposed operating budget shall not be increased and no appro-

priation may be made for a purpose not included in the said proposed operating budget without approval of the Regional School Committee.

Notwithstanding the foregoing provisions of this section, if for any reason an operating budget for the fiscal year shall not previously be adopted at the annual district meeting or an adjournment thereof, the operating budget as proposed by the Regional School Committee shall be deemed the duly adopted operating budget of the district in and after the 31st day following the date hereinafore established for the annual district meeting.

No appropriation shall be made for operating expense at any special meeting for any purpose not approved by the Regional School Committee or in excess of the amount approved by said Committee. In cases arising during the fiscal year following the adoption of an operating budget where changes occur which make it unnecessary to use the amount appropriated for a specific purpose, an unexpended balance may be transferred by the Regional School Committee from one appropriation to another, provided the total amount expended for all purposes does not exceed the total amount appropriated in the operating budget for all purposes.

Neither the Regional School Committee, the board of trustees, the treasurer nor any other officer or agent of the district shall pay or agree to pay any money or incur any liability involving expenditure of money for any purpose for which an appropriation has not been made or in excess of any appropriation, provided that during the interval between the end of the fiscal year and the time of making the next annual appropriations, the proper officials of the district authorized to make expenditures may incur liabilities in carrying on the affairs of the district intrusted to them, and payments therefor shall be made from the district treasury from any available funds therein, and the same shall be charged against the next annual appropriations; provided that the liabilities incurred during said interval do not exceed in any month the sums spent for similar purposes during any one month of the preceding fiscal year; but all interest and debt falling due in the said interval shall be paid. Nothing in this section shall be deemed to affect the right of the district through its trustees to borrow money for capital outlay or the power of the trustees to determine upon the capital budget and provide for the apportionment and assessment thereof as provided in section 9 of this act.

Sec. 13. Addition of participating towns; withdrawal. Towns not originally in the group of participating towns may be included upon vote of all the towns concerned, in the same manner as is prescribed for the establishing of the Regional School, under such terms and arrangements as may be recommended by the Regional School Committee and approved by such vote, provided that the cost to the applying towns shall be based on the terms as set forth by the Regional School Committee in accordance with section 15 of this act.

When the inhabitants of a participating town have indicated their desire to withdraw from the district by a $2/3$ 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 meetings, such withdrawal may be authorized by special act of the Legislature upon such terms as shall be contained in such

special act; provided, however, no such withdrawal shall be permitted while such school district shall have outstanding indebtedness.

Sec. 14. Authority to receive property. The Mount Desert Island Regional School District is hereby authorized to receive from any of the towns in said district, and said towns are hereby authorized to transfer and convey to said district, any property, real, personal or mixed, now or hereafter owned or held by them and any sums of money or other assets which the said towns have raised or may raise either by taxation, borrowing or otherwise. Before transferring and conveying any of said property or turning over any of said funds or assets, the municipal officers of the town 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. The said school district is hereby authorized to sell, transfer, convey or exchange property so received.

Sec. 15. Operational, maintenance, and capital costs, apportionment among towns. The total annual budgeted expenses of the Mount Desert Island Regional School District shall be apportioned among the participating towns according to the following formula: 33% of the total will be assessed among the participating towns in the same proportion as the percentage of resident pupils of each town enrolled in Grades 9 to 12 bears to the total from all towns in said grades, enrollment to be taken as the average of the enrollments of April 1 and December 31 in said grades of the calendar year preceding that year to which the budget applies; 67% of the total will be assessed among the participating towns in the same proportion as the State valuation of each participating town for the year preceding that year to which the budget applies bears to the total for all participating towns.

Towns entering the district, after it has been duly incorporated as hereinbefore provided, shall have the values for relative enrollment and relative State valuation, as defined above, inserted in the formula in the same manner as outlined above; provided, however, that the total relative percentages for the participating towns within each of the two divisions, enrollment and State valuation, shall be adjusted to total 100%.

Sec. 16. Referendum; effective date; certificates to Secretary of State. This act shall take effect 90 days after adjournment of the Legislature, only for the purpose of permitting its submission to the legal voters within each of the Towns of Bar Harbor, Mount Desert, Southwest Harbor and Tremont, present and voting at an annual town meeting or at a special town meeting held for the purpose by the said towns, respectively. This act shall be so submitted not later than 1 year after the effective date. In the event a special town meeting shall be called for the purpose of accepting this act, it shall be called, advertised and conducted according to the law relating to municipal elections; provided, however, that the municipal officers in the respective towns shall not be required to prepare for posting nor the town clerks to post a new list of voters, and for the purpose of registration of voters, said municipal officers shall be in session in their respective towns one hour preceding such town meetings. The town clerks in the respective towns shall reduce the subject matter of this act to the following question: "Shall the Act to Create a Mount Desert Island Regional

School District (to be composed of the Towns of Bar Harbor, Mount Desert, Southwest Harbor and Tremont), passed by the 101st 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 for all purposes hereof after its acceptance by a majority of the legal voters voting on the question at town meetings in each of the 4 above-named towns, or as hereinafter provided.

This act may again be submitted for acceptance prior to 2 years from the effective date of this act in such of the 4 said towns which may fail to accept said act when originally submitted; and said act shall take effect for all purposes upon acceptance in all of the 4 towns, as aforesaid, provided that the act shall not have in the meantime been submitted for acceptance in any town under the following paragraph.

Notwithstanding the foregoing provisions, this act shall become effective for all purposes after its acceptance by a majority of the legal voters at town meetings held not earlier than 91 days after the effective date of this act in any 2 or more of the 4 above-named towns voting on the question, which question shall as set forth above, except that the question shall include only the names of the towns in which the act is then being submitted for acceptance and which would originally comprise the District if the act is accepted in each such town.

The results of all votes to accept or to withdraw acceptance of this act in said towns shall be declared by the municipal officers of the Towns of Bar Harbor, Mount Desert, Southwest Harbor and Tremont, respectively, and returns filed by the town clerks with the Secretary of State; but unless this act shall have been accepted as hereinbefore provided so as to become effective for all purposes before 2 years from the effective date hereof, it shall be void and of no effect.