

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND FIRST LEGISLATURE

Legislative Document

No. 764

H. P. 548

House of Representatives, January 29, 1963

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Waltz of Waldoboro.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-THREE

AN ACT to Incorporate the Town of Waldoboro School District.

Emergency preamble. Whereas, the present buildings which house the schools of the Town of Waldoboro are overcrowded and inadequate; and

Whereas, it is imperative that action be taken at the earliest possible moment to relieve these conditions; and

Whereas, the overcrowded conditions of the schools are detrimental to the public welfare; and

Whereas, new building construction is vitally necessary to provide suitable facilities for the students of Waldoboro and neighboring communities; and

Whereas, the borrowing capacity of the Town of Waldoboro will not allow it to borrow sufficient funds for necessary construction and equipment; 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 this act, the inhabitants of and the territory within the Town of Waldoboro are hereby created a body politic and corporate under the name of "Town of Waldoboro School District" for the following purposes for the benefit of the inhabitants of the district:

- I. To acquire property within the Town of Waldoboro for school and related athletic and recreational facilities ;
- II. To erect, enlarge, equip, maintain and repair a secondary school and related athletic and recreational facilities ;
- III. To lease any property of the district to the Town of Waldoboro ;
- IV. To accept and hold property of any type contributed by any means and to use it to carry out the purposes specified in this act.

Sec. 2. Trustees; powers and duties; limitations. The affairs of the district shall be managed by a board of 5 trustees who, acting for the district, have the powers necessary to carry out this act. The choice of teachers to serve in the school, the fixing of their salaries, the courses of study, the terms of school and all other matters pertaining to the education of pupils shall be controlled by the superintending school committee of the Town of Waldoboro.

Sec. 3. Trustees; how elected, tenure of office; organization of board; officers; vacancies; compensation; reports. There shall be 5 trustees, one of whom shall be a member of the school board and one a member of the board of selectmen. The superintending school committee and the board of selectmen shall appoint their members within 2 weeks after each annual town meeting, and in case a vacancy should occur, a new member shall be chosen to take his place within 10 days. The remaining 3 trustees shall be chosen in the following manner: As soon as may be after the acceptance of this act as hereinafter provided, the municipal officers of the Town of Waldoboro shall appoint 3 trustees of said district, to hold office as follows respectively: One until the next annual town meeting, one until the annual town meeting one year following, and one until the annual town meeting 2 years following. At each annual town meeting of the Town of Waldoboro, beginning with the annual town meeting after the acceptance of this act, one trustee 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 the municipal officers of the Town of Waldoboro for the remainder of that year, except the member appointed by the school board and the selectmen, in the same manner in which the original board was appointed and for the unexpired portion of the term of the vacant office. All trustees shall be eligible for reelection or reappointment.

The members of the board, as soon as convenient after they have been chosen as above provided, shall meet upon call of one of their number after such reasonable notice as he shall deem proper. They shall then elect from their membership 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 the district. The trustees shall serve without compensation, except the treasurer who shall receive \$100 per year. At the close of the fiscal

year, the trustees shall make a detailed report of their proceedings, the financial condition of the district and the physical condition of its property, and any other things pertaining to the district which shall show the inhabitants how the trustees are fulfilling the duties of their trust. This report shall be made and filed with the municipal officers of the Town of Waldoboro, annually, on February 1st.

Sec. 4. Taking real estate; damages; appeal. The trustees of the Town of Waldoboro School District are authorized to lay out and take real estate in the Town of Waldoboro for the enlargement or extension of any location designated and used for secondary school purposes by said Town of Waldoboro School District. Any enlargements or extensions may include real estate located on the opposite side of any public highway from the location designated and used for secondary school purposes by the Town of Waldoboro School District. When such real estate taken has ceased to be used for school purposes for 2 successive years, said real estate shall revert to the owner, his heirs or assigns, on demand by him or them made in writing to the trustees of the Town of Waldoboro School District or its successor in title, subject to the right of the Town of Waldoboro School District or its successors in title to enter and remove buildings at any time within 6 months after said demand.

The trustees of the Town of Waldoboro School District shall appraise the damages and tender payment of the damages to the owner. If the owner thereof refuses to sell or, in the opinion of the trustees asks an unreasonable price for the real estate, or resides outside the State and has no authorized agents or attorneys therein, or the owner of said real estate cannot be ascertained by checking the record title, the trustees may deposit damages as appraised with the treasurer of Lincoln County for said owner's use. In the event that the owner of the property is unknown, the trustees shall advertise in one state paper and in one local paper for 3 consecutive weeks prior to the tendering of appraised damages to the treasurer of Lincoln County.

If the owner is aggrieved by the damages awarded by the trustees, he may apply to the county commissioners of Lincoln County within 6 months from the deposit of appraiser damages. The county commissioners shall constitute a board of appraisers which shall determine the value of the property or land to be taken, make a correct return of their doings signed by them, and state in their return the name of the person to whom damages are allowed and the amount allowed. The county commissioners shall give 14 days' notice to interested parties of the time and place of their meeting and afford interested parties an opportunity to be heard. The return shall be filed with the clerk of the county commissioners and remain in the custody of their clerk and notice thereof given to the interested parties. If the damages are increased, the Town of Waldoboro School District shall pay the damages and costs; otherwise, the costs shall be paid by the applicant.

Any interested party aggrieved by the county commissioners' determination of damages may appeal from their determination within 30 days following the date of filing of their return to the Superior Court of Lincoln County by filing a notice of appeal with said clerk of courts for said county. If no such appeal

is made, the proceedings shall be closed and become effectual, all claims for damages not allowed by the county commissioners be forever barred, and all damages allowed by the county commissioners be final. If an appeal is taken in the manner provided, the court shall determine the damages by a committee of reference if the parties so agree, or by a verdict of its jury, and shall render judgment for the damages and judgment for costs in favor of the party entitled thereto. An appeal may be taken to the law court as in other civil actions.

Sec. 5. How financed. To procure funds to carry out the purposes of this act and to cover necessary expenses, the district may issue bonds and notes, but may not incur a total debt exceeding \$600,000.

Each bond and note shall have inscribed on its face the words "Town of Waldoboro School District," shall bear interest at rates determined by the trustees, payable semiannually, and shall be subject to other provisions determined by the trustees. The bonds and notes may be issued to mature serially or made to run for periods determined by the trustees, but none may run for a longer period than 20 years from the date of its original issue. All bonds and notes issued by the district shall be signed by the treasurer and countersigned by the president of the district, and if coupon bonds be issued, each coupon shall be attested by the facsimile signatures of the president and treasurer printed thereon. The bonds and notes are legal obligations of the district, which is hereby 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 the provisions of said sections shall be applicable thereto. Said bonds and notes are legal investments for savings banks. The trustees may contract with the Federal or State Government, or any corporation or board authorized by the Federal or State Government to loan money or otherwise assist in the financing of a project such as this district is authorized to carry out.

Sec. 6. Sinking fund; refunding bonds provided for. Where 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 the purpose of redeeming them when they become due. The amount to be paid annually into the sinking fund shall be not less than 5% of the total principal amount of the bonds or notes originally issued. In addition to the annual sinking fund payment, the trustees may from time to time add to the sinking fund any money of the district not required for other purposes. Money in a sinking fund may be deposited in any savings bank within the State or invested as are the funds of savings banks as provided in the Revised Statutes of 1954, chapter 59, section 19-I, as enacted by section 1 of chapter 380 of the public laws of 1955. Interest earned or capital gains realized on invested funds shall be added to the sinking fund. When the amount accumulated in the sinking fund is sufficient to pay at maturity or, at the option of the trustees, to redeem the bonds or notes for the benefit of which the sinking fund was established, further payments to the sinking fund shall cease.

When any bonds or notes issued by the district become due or may be purchased or redeemed by the district on favorable terms, the trustees, if sufficient funds have accumulated in the sinking fund, shall pay, purchase or redeem the

bonds or notes and cancel them. Bonds or notes so paid, purchased or redeemed may not be reissued.

If the amount in the sinking fund is not sufficient to pay the total amount when due of the bonds or notes for which it was established, or in case it is desirable in the opinion of the trustees to redeem any outstanding bonds or notes and to issue new bonds or notes in their stead, the district may issue new bonds or notes sufficient in amount to redeem as many of the original bonds or notes as cannot be redeemed from the sinking fund, but the new bonds or notes shall mature within 20 years from the date of issue of the original bonds or notes so refunded.

Sec. 7. Assessment of taxes authorized to meet indebtedness; how collected; procedure. The trustees of the "Town of Waldoboro School District" shall determine the sum required each year for sinking fund payments, or if bonds or notes are issued to mature serially, the sum required each year to meet the bonds and notes falling due, the sum required each year to meet the interest on the bonds or other obligations, and the sum required each year to meet other necessary expenses in the district, and shall annually, before the first day of April, issue their warrant in the same form as the warrant of the Treasurer of State for state taxes, with proper changes, to the assessors of the Town of Waldoboro, requiring them to assess the total sum so determined on the taxable polls and estates within the district and commit their assessment to the constable or collector of the Town of Waldoboro, who has the same power to collect the tax as is vested in him by law to collect state, county and municipal taxes. On or before the 31st day of December of the year in which the tax is so levied, the treasurer of the Town of Waldoboro shall pay the amount of the tax so assessed against the district to the treasurer of the district. In case of failure on the part of the treasurer of the town to pay that sum, or in case of his failure to pay any part of it on or before the 31st day of December of the year in which the tax is levied, the treasurer of the district may issue his warrant for the amount of tax, or so much of it as remains unpaid, to the sheriff of Lincoln County, requiring him to levy by distress and sale on real and personal property of any of the inhabitants of the district, and the sheriff or any of his deputies shall execute the warrant. The authority vested by statute in county officials for the collection of county taxes is vested in the trustees of the district in relation to the collection of taxes within the district.

Sec. 8. Provisions for termination of the board of trustees. When the school building and related facilities have been completed and occupied by pupils of the district, and the board of trustees of the district has discharged all of its principal obligations and the property of the district is free of all debt, the board of trustees shall automatically cease to function and the management of the property of the district shall revert to the superintending school committee of the Town of Waldoboro and the then president and treasurer of the district shall cause to be executed, signed and delivered a sufficient deed of all the property of the district to the Town of Waldoboro. All money remaining in the treasury of the district at the time the trustees cease to function shall revert to the Town of Waldoboro.

Sec. 9. Authority to receive property from the Town of Waldoboro. The Town of Waldoboro School District may receive from the Town of Waldoboro, and the Town of Waldoboro may convey to the district, any property of the Town of Waldoboro held for secondary school purposes and any money or other assets which the Town of Waldoboro obtains for secondary school purposes. Before conveying any property, funds or assets, the municipal officers of the Town of Waldoboro must be duly authorized to do so by the voters at any annual or special town meeting.

Emergency clause; referendum; effective date. 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 voters of the Town of Waldoboro at any regular or special town meeting called for the purpose not later than 6 months after approval of this act. Any special meeting shall be called, notified and conducted according to law, but the selectmen in the Town of Waldoboro need not prepare for posting, nor the town clerk to post, a new list of voters. For the purpose of registration of voters, the selectmen shall be in session one hour next preceding the special meeting.

The town clerk shall prepare the required ballots, on which he shall reduce the subject matter of this act to the following question: "Shall the Act to Incorporate the Town of Waldoboro School District, 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 immediately upon its acceptance by a majority of the voters voting at said meeting, but only if the total number of votes cast for and against the acceptance of this act is at least 20% of the total vote for all candidates for Governor in the Town of Waldoboro at the next previous gubernatorial election.

The result of the vote shall be declared by the municipal officers of the Town of Waldoboro and a due certificate thereof shall be filed by the town clerk with the Secretary of State.