

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND FOURTH LEGISLATURE

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**Legislative Document**

**No. 756**

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S. P. 247

In Senate, February 12, 1969

Referred to Committee on Education. Sent down for concurrence and ordered printed.

JERROLD B. SPEERS, Secretary

Presented by Senator Stuart of Cumberland.

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## STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-NINE

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### AN ACT Authorizing the Acceptance of Gifts by School Administrative Districts.

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Be it enacted by the People of the State of Maine, as follows:

**Sec. 1. R. S., T. 20, § 225, amended.** The first paragraph of section 225 of Title 20 of the Revised Statutes, as amended, is further amended to read as follows:

When it is necessary to hold a district meeting to approve the issuance of bonds or notes for capital outlay purposes, to approve a change in the selection of a school building site, to approve an agreement to add another municipality or municipalities to the School Administrative District, to approve an agreement to merge with another School Administrative District, or to approve a proposed lease agreement with the Maine School Building Authority, or to authorize the school directors to contract for the schooling of secondary pupils, or to authorize the school directors to dispose of real property, or to accept or reject a prospective gift, the school directors shall be authorized to call such meeting as follows:

**Sec. 2. R. S., T. 20, § 225, sub-§ 3, ¶ F, additional.** Subsection 3 of section 225 of Title 20 of the Revised Statutes, as amended, is further amended by adding at the end a new paragraph F, as follows:

**F.** When a meeting is called for the purposes of accepting or rejecting a prospective gift, the Article to be inserted in all warrants shall be as follows:

**“Shall the school directors of School Administrative District No. be authorized to accept a prospective gift under the following conditions:**

**(set forth terms and conditions)**

Yes [    ]

No [    ]

**Sec. 3. R. S., T. 20, § 308, additional.** Title 20 of the Revised Statutes is amended by adding a new section 308, to read as follows:

**§ 308. Authority to accept gifts**

**1. Outright or in trust.** A School Administrative District may accept and receive money or other property, outright or in trust, for any specified benevolent or educational purpose.

**A. Acceptance or rejection.** When the directors receive written notice from a prospective donor or his representative of a proposed gift, outright or in trust, they shall submit the matter to the next regular meeting of the directors, and shall within 10 days after the meeting send written notice of its acceptance or rejection.

**B. Gifts in trust.** If the gift is in trust the district directors shall either deposit or invest trust funds according to Title 30, section 5051.

(1) Unless the instrument or order creating the trust prohibits, a district may treat any 2 or more trust funds as a single fund solely for the purposes of investment.

(2) After deduction for management expenses, any interest earned or capital gains realized shall be prorated among the various trust funds

(3) Any property or securities included in the corpus of a trust fund shall be retained where the trust instrument so provides.

(4) Unless otherwise specified in the trust instrument, only the annual income from the trust fund may be spent.

(5) If the district fails to comply with the terms of the trust instrument, the trust fund reverts to the donor or his heirs.

**2. Conditional.** A School Administrative District may accept and receive money or other property as a conditional gift for any specified benevolent or educational purpose.

**A. Acceptance or rejection.** When the directors receive written notice from a prospective donor or his representative of a proposed gift, they shall submit the matter to the next regular meeting of the legislative body or shall call a special meeting as provided for in section 225, and shall within 10 days after the meeting send written notice of its acceptance or rejection.

(1) **Conditional gifts.** If the gift is a conditional gift:

(a) When the donor or his representative has completed his part of the agreement respecting the execution of the conditional gift, the district shall perpetually comply with, and may raise money to carry into effect, the conditions upon which it was made.

(b) Unless otherwise specified by its terms, a conditional gift of money shall be deposited or invested according to Title 30, section 5051.