

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND FOURTH LEGISLATURE

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**Legislative Document**

**No. 1044**

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H. P. 805

House of Representatives, February 26, 1969

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. Waxman of Portland.

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## STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-NINE

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### **AN ACT Creating a School Administrative District for the City of Portland.**

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

**Section 1.** The State Board of Education is directed to proceed to take the necessary action to allow the City of Portland to form a School Administrative District. Such School Administrative District shall be entitled to receive all the benefits and subsidies provided for School Administrative Districts under the general statutes and laws of the State of Maine.

**Section 2.** All the affairs of said School Administrative District shall be managed by a board of school directors which shall consist of 9 members, each of whom shall be elected by the registered voters of the entire City of Portland and who shall hold office for a term of 3 years and until their successors are elected and qualified. Three shall be elected at-large from the registered voters of said city and one shall be elected from each of the 6 districts provided for the election of members of the city council of said city, from the registered voters of each district. The candidate from each of the 6 districts must be a resident of his district for a period of at least 3 months prior to the date on or before which nomination papers for such office are to be filed, which shall be in the same manner as required for nomination papers for office of the members of the city council.

**Section 3.** When said School Administrative District has been issued its certificate of organization and has assumed the management and control of the operation of the public schools within the City of Portland, the school directors shall determine what school property and buildings owned by the city and used wholly for school purposes shall be necessary to carry on the functions of said School Administrative District and shall request in writing

that the city convey title to such property and buildings to said School Administrative District, and the city shall make such conveyance notwithstanding any other provision in the charter of said city or other provisions of law.

Said School Administrative District shall assume the outstanding indebtedness of the City of Portland for school purposes and the directors of said administrative district shall be entitled to the use of any sinking fund or any other moneys that have been set aside by the said city for the payment of any or all of the indebtedness which has been assumed by said School Administrative District, notwithstanding any other provision of any Act of the Legislature or any provision of any trust agreements to the contrary, provided that the school directors shall only use the money so set aside for the purpose of retiring any or all of the assumed indebtedness for which it was previously dedicated.

**Section 4.** Said School Administrative District may establish a reserve fund for capital outlay purposes as defined in the Revised Statutes, Title 20, section 3457 by adding a request therefor in its budget. The board of school directors shall be the trustees of the reserve fund. The reserve fund shall be deposited or invested by the treasurer under the direction of the board of school directors.

Reserve funds, trust funds and all permanent funds shall be deposited or invested by the treasurer, by direction of the board of school directors in the manner provided for such funds of School Administrative Districts under the general statutes and laws of the State of Maine.

**Section 5.** The school directors of said School Administrative District shall annually before February 1st of each year determine the sum required for that year to meet the operating school budget, reserve fund for capital outlay purposes, contingency fund or capital outlay appropriations, or for the purpose of pledging the credit of the district to obtain additional moneys for operation of the schools, the bonds falling due and what further sum is necessary to meet the interest on said bonds or other obligations, and all other expenses necessary for the operation of said School Administrative District, including temporary loans. Before March 1st of such year, the school directors shall hold a public hearing on said budget, and at said meeting said budget shall be thoroughly explained and the public shall be given an opportunity to be heard. Thereafter, the school directors shall prepare a final budget and shall on or before April 1st of that year issue their warrant, in substantially the same form as the warrant of the Treasurer of State for taxes to the assessor of the City of Portland requiring him to assess upon the taxable polls and estates within said city the total sum required therein, and to commit the assessment to the constable or the collector of said city, who shall have all the authority and power to collect said taxes as is in him vested by law to collect state, county and municipal taxes. In the year in which the taxes are levied, the treasurer of the city shall pay the amount of the tax so levied in 3 equal installments to the treasurer of the School Administrative District. The first installment shall be paid on or before May 1st, the 2nd installment shall be paid on or before September 1st, and the 3rd installment on or before

December 31st. In the case of the failure of the treasurer of the city to pay any installments or any part thereof on or before the dates set out above in the year in which the said taxes are levied, the treasurer of the School Administrative District shall issue his warrant for the amount of said tax or so much thereof as there shall remain unpaid to the county sheriff requiring him to levy by distress and sale of the real and personal property of any of the residents of said city and the sheriff or any of his deputies shall execute said warrant.

**Sec. 6.** To procure funds for authorized purposes of said district, the school directors are authorized to borrow funds to pay current operating expenses of the district but said loans must be repaid within one year of the date of said borrowing. To procure funds for capital outlay purposes, as defined in the Revised Statutes, Title 20, section 3457, the school directors are authorized to issue bonds and notes of the district, not to exceed in the aggregate, at any one time outstanding the limit of indebtedness of 12½% of the total last preceding state valuation of the City of Portland, including all outstanding school indebtedness assumed by said district. The school directors may be authorized to borrow funds for capital outlay purposes in anticipation of state aid for school construction purposes, and any money so borrowed shall not be considered a part of the 12½% debt limitation of said district. Contracts, leases or agreement with any School Building Authority shall not be debts or liabilities within this section. Each bond or note shall have inscribed upon its face the official name of the School Administrative District and 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 semi-annually, be in such form subject to this Act and be sold in such manner, at public or private sale, as the school director shall determine, provided that in no event shall bonds be sold for less than par. Each issue of said bonds shall mature in substantially equal annual installments, so that the first installment shall be payable not later than 2 years after date of issue and the last installment not later than 25 years from the date thereof. The board of school directors prior to the issuance of said bonds or notes may borrow in anticipation of their sale by issuing temporary notes and renewal notes, the total face amount of which does not exceed at any one time outstanding the authorized amount of the capital outlay bonds or notes. If the proceeds of any issue of bonds are used in whole or in part to fund temporary notes of the district or renewals thereof, the period during which such issue of bonds shall be outstanding, plus the period of the loan represented by such temporary notes or renewals thereof, shall not exceed 25 years. All notes or bonds issued by said school directors on behalf of the School Administrative District shall be signed by the treasurer and countersigned by the chairman of said board of school directors, and if coupons be issued, each coupon shall be attested by a facsimile signature of the treasurer printed thereon. Said notes and bonds, and loans to pay current operating expenses, contracts, leases and agreements with the Maine School Building Authority shall be legal obligations of said School Administrative District, which is declared to be quasi-municipal corporation within the meaning of the Revised Statutes, of Title 30, section 5053, and all the provisions of said section shall be applicable thereto.

**Section 7.** At the first meeting of the board of school directors after their election, or soon thereafter as possible, the directors shall elect a chairman and vice-chairman and such other officers as may be necessary. The superintendent of schools shall serve as secretary and treasurer and shall give a bond to the district in such sum and with such sureties as the school directors may determine, which bond shall be deposited with the chairman. The expense of such bond shall be paid by the district. The treasurer's bond premium and all expenses of the district shall be paid from funds of the district by the treasurer on vouchers presented and certified by the superintendent of schools and approved by a majority of the members of the board of school **directors** or a finance committee of that board duly appointed or elected annually by that board.

**Section 8.** This Act shall be submitted for approval or rejection to the qualified voters of the City of Portland at the next regular municipal election **to be held on the second Monday of September, 1969.** For the purpose of such election, the city clerk shall reduce the subject matter to the following question: "Shall 'An Act Creating a School Administrative District for the City of Portland,' passed by the 104th Legislature, be approved?" The voters shall indicate by a cross or check mark placed within a square upon their ballots **under the words "Yes" or "No"** their opinion of the same.

If accepted by the voters at said election, this Act shall take effect for the purpose of election of said directors at the regular municipal election to be held on the first Monday in December, 1969, and for all other purposes on the 2nd Monday in December, 1969, at which time the school directors so elected shall meet for organization of their board.

The terms of office of the members of the superintending school committee expiring on the first Monday in December, 1969, shall not be terminated and each shall continue in office until the school directors have been duly elected and qualified, whereupon the terms of office of all members of the superintending school committee shall immediately terminate.

Any and all provisions contained in the Private and Special Laws of 1961, chapter 194, relating to election, powers and duties of a superintending school committee are hereby repealed.