

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 245

H. P. 200

House of Representatives, January 21, 1975

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

EDWIN H. PERT, Clerk

Presented by Mr. Walker of Island Falls.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT to Incorporate the Town of Benedicta School District.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the school facilities of the Town of Benedicta are overcrowded, inadequate and in need of repair; and

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

Whereas, by vote of the Town of Benedicta on March 25, 1974 and September 5, 1974 there was authorized \$500,000 of bonds or notes for school construction purposes, which bonds or notes cannot be issued because of the debt limitation of said town; and

Whereas, if this Act is not effective until 90 days after adjournment of the Legislature, construction will be delayed for another school year; and

Whereas, the overcrowded and inadequate condition of the school is detrimental to the health, safety and quality of schooling of the pupils; 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 Benedicta are

hereby created a body politic and corporate under the name of "Town of Benedicta School District" for the following purposes for the benefit of the inhabitants of the district:

I. To acquire property within the Town of Benedicta for school and related athletic and recreational facilities;

II. To erect, enlarge, equip, maintain and repair an elementary and junior high school with related athletic and recreational facilities;

III. To lease any property of the district to the Town of Benedicta;

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 3 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 Benedicta.

Sec. 3. Trustees; how elected; tenure of office; organization of board; officers; vacancies; compensation; reports. There shall be 3 trustees who shall be elected by the voters of the Town of Benedicta to serve 3-year terms. As of the effective date of this Act, the School Building Committee shall become the board of trustees and each member of said committee shall serve as trustee until the expiration of his or her term as a member of the committee. At each annual town meeting of the Town of Benedicta, 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 Benedicta for the remainder of his term. All trustees shall be eligible for reelection.

The members of the board, as soon as convenient after they have been chosen as above provided, shall meet upon call 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 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 Benedicta, annually, on February 1st.

Sec. 4. Taking real estate; damages; appeal. The trustees of the Town of Benedicta School District are authorized to lay out and take real estate in the Town of Benedicta for the enlargement or extension of any location designated and used for elementary and junior high school purposes by said Town of Benedicta 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 Benedicta 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 Town of Benedicta to be held and used for its general municipal purposes.

The trustees of the Town of Benedicta 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 Aroostook 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 Aroostook County.

If the owner is aggrieved by the damages awarded by the trustees, he may apply to the county commissioners of Aroostook 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 Benedicta 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 Aroostook 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, to cover necessary expenses and to refund its outstanding indebtedness, the district by a vote of its board of trustees may issue bonds and notes in the total aggregate principal amount of \$500,000.

Each bond and note shall have inscribed on its face the words "Town of Benedicta School District," shall bear interest at rates determined by the trustees 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 no bonds or notes, together with any renewals thereof, may run for a longer period than 30 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 signature of the 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 1964, Title 30, section 5053, and all the provisions of said section 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 1964, Title 9, chapter 51. 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 30 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 Benedicta 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 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 Benedicta, requiring them to assess the total sum so determined on the taxable estates within the district and commit their assessment to the constable or collector of the Town of Benedicta, 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 Benedicta 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 the tax, or so much of it as remains unpaid, to the sheriff of Aroostook 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 the 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 Benedicta 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 Benedicta. All money remaining in the treasury of the district at the time the trustees cease to function shall revert to the Town of Benedicta.

Sec. 9. Authority to receive property from the Town of Benedicta. The Town of Benedicta School District may receive from the Town of Benedicta, and the Town of Benedicta may convey to the district, any property of the Town of Benedicta held for school purposes and any money or other assets which the Town of Benedicta obtains for school purposes. Before conveying any property, funds or assets, the municipal officers of the Town of Benedicta must be duly authorized.

Sec. 10. Repayment of loans. The Town of Benedicta School District may repay or reimburse the Town of Benedicta for any temporary loan made

by the Town for school purposes prior to the effective date of this Act.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved .

STATEMENT OF FACT

The intent of this bill is indicated in the emergency preamble.