

# MAINE STATE LEGISLATURE

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(EMERGENCY)  
FIRST REGULAR SESSION

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ONE HUNDRED AND THIRTEENTH LEGISLATURE

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Legislative Document

NO. 1139

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H.P. 848 House of Representatives, April 7, 1987  
Reference to the Committee on Education suggested and  
ordered printed.

Presented by Representative EDWIN H. PERT, Clerk  
of York.

Cosponsored by Representative McPHERSON of Eliot and  
Senator ESTES of York.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-SEVEN

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**AN ACT Relating to the Town of York School  
District.**

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4 **Emergency preamble.** Whereas, Acts of the Legis-  
5 lature do not become effective until 90 days after  
6 adjournment unless enacted as emergencies; and

7 Whereas, the present buildings which house the  
8 schools of the Town of York are becoming overcrowded  
9 and with each new school year will become increasing-  
10 ly overcrowded and inadequate; and

11 Whereas, it is imperative that action be taken at  
12 the earliest possible moment to relieve these condi-  
13 tions; and

14 Whereas, new building construction is vitally  
15 necessary; and

1       Whereas, present borrowing capacity will not al-  
2 low the Town of York School District to borrow suffi-  
3 cient funds for the necessary construction and equip-  
4 ment; and

5       Whereas, it is desirable that this matter be  
6 acted upon by the voters of the Town of York as soon  
7 as possible; and

8       Whereas, in the judgment of the Legislature,  
9 these facts create an emergency within the meaning of  
10 the Constitution of Maine and require the following  
11 legislation as immediately necessary for the preser-  
12 vation of the public peace, health and safety; now,  
13 therefore,

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

16       Sec. 1. P&SL 1951, c. 57, §1, as amended by P&SL  
17 1975, c. 118, is further amended to read:

18       Sec. 1. Town of York School District, incorpo-  
19 rated. Subject to the provisions of this Act, the  
20 inhabitants of and the territory within the Town of  
21 York shall constitute a body politic and corporate  
22 under the name of "Town of York School District" for  
23 the purpose of acquiring and disposing of property  
24 within the said town for school and related athletic  
25 and recreational purposes; for the purpose of erect-  
26 ing, enlarging, ~~repairing,~~ and equipping and  
27 maintaining on said the property a school building or  
28 school buildings and related athletic and recreational  
29 facilities; for the purpose of leasing or letting  
30 any property of said the district to said the town;  
31 for the purpose of receiving, accepting and holding  
32 gifts, grants or devices or property, real, personal  
33 or mixed, to be used for school and related athletic  
34 and recreational purposes; and all for the benefit of  
35 the inhabitants of said the district. Upon comple-  
36 tion of a school construction project, the district  
37 shall be responsible for minor capital costs relating  
38 to the project for such period of time as title to  
39 the project shall remain in the district. Other  
40 ongoing maintenance of the school construction  
41 project shall be the responsibility of the York  
42 School Committee.

1           No real property to the value of \$1,000 or more  
2 ~~shall~~ may be disposed of by the trustees of the dis-  
3 trict until authorized by the legal voters of the  
4 Town of York, except that the trustees of the dis-  
5 trict may vote to return unused school property to  
6 the town provided the school district has assumed no  
7 indebtedness or lease obligation, which is still out-  
8 standing, on account of said the property. The  
9 trustees of the district are authorized to transfer  
10 or lease unused school property to nonprofit organi-  
11 zations for educational, cultural or recreational  
12 purposes. The trustees of the district are autho-  
13 rized to lease any unused school buildings for educa-  
14 tional, cultural or recreational purposes.

15           Sec. 2. P&SL 1951, c. 57, §2 is amended by add-  
16 ing at the end the following:

17           Any school construction project or the minor cap-  
18 ital costs of a project undertaken by the Town of  
19 York School District shall be subject to the Maine  
20 Revised Statutes, Title 20-A, chapter 609, provided  
21 that:

22           1. The trustees of the district shall have the  
23 powers and responsibilities of a building committee  
24 and school board under that chapter for purposes of  
25 carrying out such projects; and

26           2. If a referendum vote authorizing such a  
27 project is required by the Maine Revised Statutes,  
28 Title 20-A, chapter 609, or if the trustees propose  
29 to issue bonds or notes of the district for minor  
30 capital costs, a referendum vote shall be conducted  
31 by the Town of York by secret ballot in accordance  
32 with the appropriate provisions set forth in Title  
33 21-A and Title 30.

34           Sec. 3. P&SL 1951, c. 57, §4, as amended by P&SL  
35 1973, c. 152, is repealed and the following enacted  
36 in its place:

37           Sec. 4. How financed. To procure funds for the  
38 purposes of this Act, including school construction  
39 projects and minor capital costs, and for such other  
40 expenses as may be necessary to carry out those pur-  
41 poses, the trustees are authorized from time to time

1 to borrow money and to issue the district's bonds and  
2 notes for those purposes, provided that the aggregate  
3 principal amount of outstanding bonds or notes issued  
4 by the district shall not exceed at any one time the  
5 sum of \$12,000,000. Each bond and note shall have  
6 inscribed upon its face the words "Town of York  
7 School District," the date it was issued, the amount  
8 of the bond or note and the annual interest rate,  
9 payable semiannually. Each bond or note shall be in  
10 the form and sold in the manner, at public or private  
11 sale, as the trustees shall determine. Bonds may not  
12 be sold for less than par. Bonds or notes issued by  
13 the district shall be signed by the treasurer and  
14 countersigned by the president of the district and,  
15 if coupon bonds are issued, each coupon shall be at-  
16 tested by the facsimile signatures of the president  
17 and treasurer. Each issue of bonds shall mature in  
18 substantially equal installments so that the first  
19 installment shall be payable not later than 2 years  
20 and the last installment not later than 25 years af-  
21 ter the date of issue.

22 Prior to issuing authorized bonds or notes, the  
23 board of directors may borrow in anticipation of  
24 their sale by issuing temporary notes and renewal  
25 notes subject to the following.

26 1. Their total face value amount may not exceed  
27 at any one time the authorized outstanding amount of  
28 the bonds or notes.

29 2. If the proceeds of an issue of bonds are used  
30 in whole or in part to fund temporary notes, the pe-  
31 riod during which the issue of bonds shall be out-  
32 standing plus the period of the loan represented by  
33 the temporary notes or renewals shall not exceed 25  
34 years.

35 3. Temporary notes shall mature not later than 3  
36 years from the date the first temporary note is is-  
37 sued.

38 4. Temporary notes and renewal notes shall be  
39 legal obligations of the district.

40 Bonds or notes issued on behalf of a district may  
41 be made subject to call for redemption, with or with-

1 out premium, at the election of the trustees before  
2 the date fixed for final payment of those bonds or  
3 notes. When these bonds or notes are issued, they  
4 shall contain provisions setting forth the method by  
5 which the option to call may be exercised, the proce-  
6 dure for payment in the event of call and the legal  
7 effect of making the call. Notes and bonds, con-  
8 tracts, leases and agreements with the Maine School  
9 Building Authority shall be general obligations of  
10 the district and shall be tax exempt. The district  
11 shall be a quasi-municipal corporation within the  
12 meaning of the Maine Revised Statutes, Title 30, sec-  
13 tion 5053, and all the provisions of that section  
14 shall be applicable to the corporation. Bonds and  
15 notes of the district shall be legal investments for  
16 savings banks.

17 The district may enter into agreements with the  
18 Federal Government or State Government, or any agency  
19 of either, or any corporation or board authorized by  
20 the Federal Government or State Government to loan  
21 money or otherwise assist in the financing of such  
22 projects as the district is authorized to carry out,  
23 as may be necessary or desirable to accomplish the  
24 purposes of this Act.

25 Sec. 4. P&SL 1951, c. 57, §5 is repealed.

26 Sec. 5. P&SL 1951, c. 57, §6, is repealed and  
27 the following enacted in its place:

28 Section 6. Assessments authorized to meet in-  
29 debtedness and necessary expenditures. The trustees  
30 of the Town of York School District shall determine  
31 what sum is required each year to meet the interest  
32 and principal payments on the bonds, notes and other  
33 evidences of indebtedness of the district. On or be-  
34 fore December 1st of the prior fiscal year or as soon  
35 thereafter as possible, the trustees shall certify  
36 the sum so determined to the school committee and mu-  
37 nicipal officers of the Town of York who shall in-  
38 clude such sums in the school budget of the Town of  
39 York. The municipal officers shall require such sum  
40 to be assessed and collected in the manner provided  
41 by law for the assessment and collection of taxes  
42 provided that the sum to be assessed and collected  
43 shall be reduced by the amount of an allocation of

1 funds appropriated by the Legislature to pay the  
2 principal and interest owed by the district in a  
3 given year as certified to the Town of York by the  
4 Commissioner of Educational and Cultural Services.  
5 The commissioner shall certify the amount due to the  
6 Town of York within 30 days of its appropriation by  
7 the Legislature. After this reduction, the remaining  
8 sum shall be payable from ad valorem taxes which may  
9 be levied without limit as to rate or amount upon all  
10 the taxable property within the Town of York. The  
11 assessors of the Town of York shall assess the sum so  
12 determined upon the taxable estates within the town  
13 and shall commit their assessment to the constable or  
14 collector of the Town of York, who shall have all au-  
15 thority and power to collect such sum as is vested in  
16 them by law to collect state, county and municipal  
17 taxes. The school committee, superintendent of  
18 schools and municipal officers of the Town of York  
19 shall take all actions necessary to enable the trea-  
20 surer of the Town of York to pay to the treasurer of  
21 the district all sums necessary to meet the payments  
22 of interest and principal on bonds, notes and other  
23 evidences of indebtedness of the district when due.  
24 The treasurer of the Town of York shall pay the re-  
25 quired sum to the treasurer of the district at least  
26 5 days before each payment of interest and principal  
27 is due from the district.

28 The trustees of the Town of York School District  
29 shall also determine what sum is required each year  
30 to meet other necessary expenses of the district that  
31 year. On or before December 1st of the prior fiscal  
32 year or as soon thereafter as possible, the trustees  
33 shall certify the sum so determined to the school  
34 committee and municipal officers of the Town of York  
35 who shall include such sum in the school budget of  
36 the Town of York. The assessors of the Town of York  
37 shall assess the sum which the legislative body votes  
38 to raise and appropriate for the other necessary ex-  
39 penses of the district upon the taxable estates with-  
40 in the town and shall commit their assessment for  
41 this purpose to the constable or collector of the  
42 Town of York, who shall have all authority and power  
43 to collect such sum as is vested in them by law to  
44 collect state, county and municipal taxes. The  
45 school committee, superintendent of schools and mu-  
46 nicipal officers of the Town of York shall take all

1 actions necessary to enable the treasurer of the town  
2 to pay, and the treasurer of the town shall pay, such  
3 sum to the treasurer of the district on or before De-  
4 cember 31st each year, or on the date requested by  
5 the treasurer of the district, whichever is earlier.

6 If the treasurer of the Town of York fails to pay  
7 to the district any amount due on the date required,  
8 the treasurer of the district may issue a warrant for  
9 the unpaid amount to the sheriff of York County, re-  
10 quiring him to levy by distress and sale on the real  
11 and personal property of any of the inhabitants of  
12 the district. The sheriff or sheriff's deputies  
13 shall execute the warrant. Except as is otherwise  
14 provided in this section, the trustees shall have the  
15 same power as county officials for the collection of  
16 county taxes under the Maine Revised Statutes, Title  
17 36, chapter 105, subchapter 9.

18 Sec. 6. Emergency clause; referendum; effective  
19 date. In view of the emergency cited in the pream-  
20 ble, this Act shall take effect when approved, only  
21 for the purpose of its submission to the legal voters  
22 of the Town of York at any regular or special meeting  
23 called and held for the purpose not later than 18  
24 months after the approval of this Act. In the event  
25 a special election is called for the purpose, it  
26 shall be called, advertised and conducted according  
27 to the law relating to municipal elections. The town  
28 clerk shall prepare the required ballots on which he  
29 shall state the subject matter of this Act in the  
30 following question:

31 "Shall the Act relating to the Town of York  
32 School District be accepted?"

33 The voters shall indicate by a cross or a check mark  
34 placed against the words "Yes" or "No" their opinion  
35 of the same. This Act shall take effect for all the  
36 purposes hereof immediately upon its acceptance by a  
37 majority vote of the legal voters voting at the elec-  
38 tion; provided that the total number of votes cast  
39 for and against the acceptance of this Act at the  
40 election equals or exceeds 20% of the total votes for  
41 all candidates for Governor in the town at the next  
42 previous gubernatorial election. The result in the  
43 district shall be declared by the municipal officers



1 of the Town of York and due certificate filed by the  
2 town clerk with the Secretary of State.

3 STATEMENT OF FACT

4 This bill revised the Charter of the Town of York  
5 School District which has authority over the con-  
6 struction and repair of school buildings in the Town  
7 of York and raises the debt limit of the district to  
8 \$12,000,000.

9 1737033087