

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# 122nd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2006

---

Legislative Document

No. 1988

H.P. 1393

House of Representatives, January 31, 2006

### **An Act To Raise the Debt Limit of the City of Brewer High School District**

(AFTER DEADLINE)

---

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative FISHER of Brewer.  
Cosponsored by Senator ROSEN of Hancock and  
Representative: HALL of Holden.

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

2 **Sec. 1. P&SL 1925, c. 4, §1,** is amended to read:

3 **Sec. 1. City of Brewer High School District incorporated; purposes.**  
4 Subject to the provisions of section ~~eight hereof~~, the city City of Brewer shall constitute  
5 constitutes a body politic and corporate under the name of the City of Brewer High  
6 School District for the purpose of erecting, equipping, repairing, renovating and  
7 maintaining a high school within said that district ~~upon land already secured for the~~  
8 ~~purpose and located at the corner of Center and Somerset Streets, as is hereinafter~~  
9 ~~provided, for the benefit of the inhabitants thereof.~~

10 **Sec. 2. P&SL 1925, c. 4, §1-A, first sentence,** as repealed and replaced by  
11 P&SL 1949, c. 164, §1, is amended to read:

12 The city City of Brewer High School District is hereby authorized, if in the judgment of  
13 its board of trustees it is deemed necessary, to purchase land and to erect, equip, repair,  
14 renovate and maintain one or more grammar schools, a junior high school, a high school  
15 and a vocational school or any or all of such schools within said that district for the  
16 benefit of the inhabitants of said that district.

17 **Sec. 3. P&SL 1925, c. 4, §2** is amended to read:

18 **Sec. 2. City authorized to convey to district certain real estate, interests**  
19 **in real estate and other property.** The city City of Brewer is hereby expressly  
20 authorized to convey to said the district ~~the land situated at the corner of Center and~~  
21 ~~Somerset streets now owned by it, upon which a foundation for a new high school~~  
22 ~~building is already under construction, together with the plans, for a new building,~~  
23 ~~already contracted for an approved by the city council~~ any real, personal or mixed  
24 property owned or held by the City of Brewer.

25 **Sec. 4. P&SL 1925, c. 4, §5, first sentence,** as amended by P&SL 2001, c. 27,  
26 §1, is further amended to read:

27 To procure funds for the purposes of this Act and such other expenses as may be  
28 necessary to the carrying out of said those purposes, the said district, by its trustees, is  
29 hereby authorized to issue notes and bonds; but ~~shall~~ may not incur a total indebtedness  
30 exceeding ~~the sum of \$5,000,000~~ 7.5% of the most recent state valuation of the City of  
31 Brewer at any one time outstanding.

32 **Sec. 5. P&SL 1925, c. 4, §5,** as amended by P&SL 2001, c. 27, §1, is further  
33 amended by adding at the end a new sentence to read:

34 The district is authorized by its trustees to enter into agreements with the Federal  
35 Government, the Maine Municipal Bond Bank and others to lend money to the district or  
36 otherwise to assist in the financing of projects that the district is authorized to carry out.  
37 The district by its trustees may borrow in anticipation of the issuance of the district's  
38 bonds and in anticipation of the receipt of state and federal grants by issuing temporary  
39 notes and renewal notes in the name of the district.

40 **Sec. 6. P&SL 1925, c. 4, §6,** as amended by P&SL 1941, c. 74, §3, is repealed  
41 and the following enacted in its place:

1        **Sec. 6. Sinking fund.** If bonds of the district are made to run for a period of years,  
2 a sinking fund for their retirement may be established by the trustees in accordance with  
3 any applicable requirements of the Internal Revenue Code and regulations adopted under  
4 the code.

5        **Sec. 7. P&SL 1925, c. 4, §7, first sentence** is amended to read:

6        The trustees of the ~~city~~ City of Brewer High School District shall determine the sum to be  
7 paid annually into ~~the any~~ sinking fund, established by the Trustees or, if the bonds  
8 authorized by this act ~~shall be~~ are issued to mature serially, what amount is required each  
9 year to meet the bonds falling due; and what sum is required each year to meet the  
10 interest on ~~said the~~ bonds or other obligations; and other necessary expenses in the  
11 district; and shall each year thereafter, before the first day of April, issue their warrant in  
12 the same form as the warrant of the ~~state treasurer~~ State Treasurer for taxes, with proper  
13 changes, to the assessors of the ~~city~~ City of Brewer, requiring them to assess the sum so  
14 determined upon the taxable polls and estates within ~~said the~~ district and to commit their  
15 assessment to the constable or collector of ~~said city~~ the City of Brewer, who ~~shall have~~  
16 has all authority and powers to collect ~~said those~~ taxes as ~~is~~ vested by law to collect state,  
17 county and municipal taxes.

18        **Sec. 8. P&SL 1925, c. 4, §8, first sentence,** as amended by PL 1941, c. 74, §4,  
19 is further amended to read:

20 ~~At such time as the~~ When any high school building and such other buildings the erection  
21 of which is authorized in section 1-A ~~herein shall~~ have been completed, equipped; and  
22 occupied by pupils of ~~said the~~ district and the board of trustees of the district ~~shall have~~  
23 has discharged all of its principal obligations and the property of ~~said the~~ district ~~shall be~~  
24 is free and clear of all indebtedness, the board of trustees ~~shall~~ automatically ~~cease~~ ceases  
25 to function, and all of the duties, management, care, renovation, repair and maintenance  
26 ~~shall~~ revert to the school board of the ~~city~~ City of Brewer or such other board as may, at  
27 that time, have jurisdiction over similar school property, and the ~~then~~ president and  
28 treasurer shall cause to be executed, signed and delivered; a good and sufficient deed of  
29 all the property in ~~said the~~ district; to the ~~city~~ City of Brewer.

30        **Sec. 9. Referendum; effective date.** This Act takes effect only for the purpose  
31 of permitting its submission to the legal voters within the City of Brewer at a special or  
32 regular city election, which must be held in conjunction with a referendum election on a  
33 proposed elementary school construction project to be constructed by the City of Brewer  
34 High School District. The election must be called, advertised and conducted according to  
35 law and must be held prior to December 31, 2008. The city clerk shall prepare the  
36 required ballots, on which the city clerk shall reduce the subject matter of this Act to the  
37 following question:

38                "Do you favor increasing the debt limit of the City of Brewer High  
39                School District from \$5,000,000 to 7.5% of the most recent state  
40                valuation of the City of Brewer?"

41        The legal voters of the City of Brewer shall vote by ballot on this question and  
42 designate their choice by a cross or check mark placed within a corresponding square  
43 below the word "Yes" or "No."

1 The results must be declared by the municipal officers of the City of Brewer and due  
2 certificate of the results filed by the city clerk with the Secretary of State.

3 This Act takes effect upon approval of both a new elementary school construction  
4 project and acceptance of this Act by a majority of those voting at the election.

### 5 SUMMARY

6 This bill amends the private and special law that established the City of Brewer High  
7 School District to increase the debt limit of the district from \$5,000,000 to 7.5% of the  
8 most recent state valuation of the City of Brewer. The bill also clarifies the authority of  
9 the City of Brewer to convey property to the district and authorizes the district to enter  
10 into agreements with the Federal Government, the Maine Municipal Bond Bank and  
11 others to help finance school construction projects in the City of Brewer. The bill also  
12 clarifies the authority of the district to renovate and repair its school buildings.