

MAINE STATE LEGISLATURE

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EIGHTY-FOURTH LEGISLATURE

House Document

No. 177

H. P. 606. House of Representatives, Jan. 31, 1929.

Referred to Committee on Legal Affairs and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Lowell of Lincoln.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-NINE

AN ACT to Incorporate the Town of Lincoln School District.

Whereas, the necessity of erecting at the earliest possible date; taking advantage of the spring and summer months for building; relieving the overcrowded and unsanitary conditions now existing and condemned by the school board, facts in which the state superintendent of schools coincides; and

Whereas, if this act is obliged to take the regular course of awaiting ninety days after the adjournment of the legislature would mean a delay in occupancy of the proposed building nearly a year, and

Whereas, in the judgment of the legislature these facts create an emergency within the meaning of the constitution of the

state 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:

Section 1. *School District Corporation created; purpose.*

2 Subject to the provisions of section seven hereof, the town
3 of Lincoln shall constitute a body politic and corporate
4 under the name of the Town of Lincoln School District for
5 the purpose of erecting, equipping, and maintaining a school
6 within said district upon land owned by said town, situated
7 on the easterly side of Academy street in said Lincoln, as
8 is hereinafter provided, for the benefit of the inhabitants
9 thereof.

Sect. 2. *Management of affairs; town school committee
2 to control election of teachers and school affairs.* All the
3 affairs of said district, except the election of teachers who
4 shall serve in said school or schools and the fixing of their
5 salaries, the courses of study, the terms of school and all
6 other matters pertaining to the education of pupils, which
7 matter shall be controlled by the superintending school
8 committee of the town of Lincoln, shall be managed by a
9 board of trustees composed of five members, who shall be
10 elected as hereinafter provided.

Sect. 3. *Trustees, how elected; first meeting; tenure of
2 office; vacancies, how filled; compensation; annual report.*

3 The trustees so to be elected shall be elected by ballot by

4 a majority of the legal voters of said district, voting at a
5 special meeting of said district, called, held and conducted
6 as town meetings are called, held and conducted in said
7 Lincoln, said special meeting called at a time and place
8 designated by any five persons who are entitled to vote at
9 any meeting of said district. The result of such election
10 shall be declared by the municipal officers of the town of
11 Lincoln and due certificate thereof filed with the town clerk
12 thereof. The term of office of the trustees shall begin on
13 the date of the special election provided for in this act. As
14 soon as convenient after all the members of said board have
15 been so chosen, the trustees shall hold a meeting at the
16 town rooms in the town of Lincoln, to be called by one of
17 the trustees upon such reasonable notice therefor as he may
18 deem proper. They shall organize by the election from
19 their own membership of a president, clerk and treasurer,
20 adopt a corporate seal and may employ all needful officers
21 and agents for the proper conduct and management of the
22 affairs of the district and annually thereafter at the begin-
23 ning of each municipal year the trustees shall organize as
24 herein before provided.

At the first meeting the trustees so elected shall determine
2 by lot the term of office of each trustee so that one trustee
3 shall retire each year and the term of office of the first
4 trustee to expire shall end at the end of the municipal year
5 of the town of Lincoln following the acceptance of this act,
6 and thereafter the term of office of a trustee shall expire

7 and his successor shall be elected by a majority vote of the
8 voters of said district voting upon the date of the annual
9 election of said town. The trustees so elected shall serve
10 the full term of five years and in case any vacancy arises
11 in the membership of the board of trustees it shall be filled
12 by the municipal officers of said town of Lincoln for the
13 unexpired term. When any trustee ceases to be a resident
14 of said district he vacates the office of the trustee and the
15 vacancy shall be filled as aforesaid. All such trustees shall
16 be eligible to re-election. No member except the treasurer
17 shall receive compensation for his services and the treasurer
18 shall receive in full compensation for his services an
19 amount to be fixed by the municipal officers of the said
20 town of Lincoln and such salary and all expenses of the
21 district shall be paid from the funds of the district. At the
22 close of each fiscal year the trustees shall make a detailed
23 report of their doings, of the financial condition of said dis-
24 trict and the physical condition of said school building, and
25 also such matters and things pertaining to said district as
26 shall show the inhabitants thereof how said trustees are
27 fulfilling the duties and obligations of their trust, said re-
28 ports to be made, attested to and filed with the municipal
29 officers of said town.

Sect. 4. *Authorized to issue bonds; limit; requirements.*

2 To procure funds for the purpose of this act and such other
3 expenses as may be necessary to the carrying out of said
4 purposes, the said district is hereby authorized to issue its

5 notes and bonds, but shall not incur a total indebtedness
6 exceeding the sum of one hundred twenty-five thousand
7 dollars. Each bond shall have inscribed upon its face the
8 words: "Town of Lincoln School District" and shall bear
9 interest at such rates as the trustees shall determine, pay-
10 able semi-annually. Said bonds may be issued to mature
11 serially or made to run for such periods as said trustees
12 may determine, but none of which shall run for a longer
13 period than twenty-five years. All notes or bonds issued by
14 said districts shall be signed by the treasurer and counter-
15 signed by the president of the district, and if coupon bonds
16 be issued, each coupon shall be attested by a facsimile sig-
17 nature of the president and treasurer printed thereon. The
18 treasurer shall give bond to the district in such sum and
19 with such sureties as said trustees may determine, which
20 bond shall remain in the custody of the president. The ex-
21 penses of said bond shall be paid by the district.

Sect. 5. *Sinking fund; how constituted; investment of*
2 *fund.* In case said bonds are made to run for a period of
3 years a sinking fund shall be established by the trustees of
4 said district for the purpose of redeeming said bonds when
5 they become due, and not less than two per cent of the total
6 cost of the school building and its appurtenances, and the
7 expenses incidental to the carrying out of the purposes of
8 this act shall be added to said sinking fund each year, which
9 may be deposited in a savings bank within the state or may
10 be invested in any United States government bonds, state

11 bonds or the bonds of any political subdivision thereof as
12 the trustees may determine. Whenever any bonds issued
13 by said district become due or can be purchased by said
14 trustees on favorable terms, said trustees shall, if sufficient
15 funds have accumulated in said sinking fund, redeem or
16 purchase said bonds and cancel them. In no case shall
17 bonds so cancelled or redeemed be re-issued. In case the
18 amount in the sinking fund shall not be sufficient to pay the
19 total amount of the bonds falling due at any one time,
20 authority to issue new bonds sufficient to redeem so many
21 of said bonds, as cannot be redeemed from the sinking fund
22 is hereby granted to said district but in no case shall new
23 bonds run beyond twenty-five years from the date of the
24 original issue.

Sect. 6. *Trustees to determine annual amount to be paid
2 into sinking fund; other expenses; taxes; how assessed and
3 collected.* The trustees of the town of Lincoln School Dis-
4 trict shall determine the sum to be paid annually into the
5 sinking fund, or if the bonds authorized by this act shall
6 be issued to mature serially what amount is required each
7 year to meet the bonds falling due, and what sum is re-
8 quired each year to meet the interest on said bonds or other
9 obligations, and other necessary expenses in the district, and
10 shall each year thereafter, before the first day of April, is-
11 sue their warrant in the same form as the warrant of the
12 state treasurer for taxes, with proper changes, to the as-
13 sessors of the town of Lincoln, requiring them to assess the

14 sum so determined upon the taxable polls and estates within
15 said district and to commit their assessment to the constable
16 or collector of said town of Lincoln, who shall have all
17 authority and powers to collect said taxes as is vested by
18 law to collect state, county and municipal taxes. On or
19 before the thirty-first day of December of the year on
20 which said tax is so levied the treasurer of said town shall
21 pay the amount of the tax so assessed against said district
22 to the treasurer of said district. In case of the failure on
23 the part of the treasurer of the town to pay said sum, or in
24 case of his failure to pay any part thereof on or before said
25 thirty-first day of December of the year in which said tax
26 is so levied the treasurer of said district may issue his war-
27 rant for the amount of said tax or so much thereof as shall
28 then remain unpaid, to the sheriff of Penobscot county, re-
29 quiring him to levy by distress and sale on real and per-
30 sonal property of any of the inhabitants of said district,
31 and the sheriff or either or any of his deputies shall execute
32 said warrant except as is otherwise provided herein. The
33 same authority as is vested in county officials for the col-
34 lection of county taxes, under the provisions of the revised
35 statutes, is hereby vested in the trustees of said district in
36 relation to the collection of taxes within said district.

Sect. 7. *Property of district to become property of town
2 when paid' for.* At such time as the school building shall
3 have been completed, equipped, and occupied by pupils of
4 said district and the board of trustees of the district shall

5 have discharged all of its principal obligations and the
6 property of said district shall be free and clear of all in-
7 debtedness the board of trustees shall automatically cease
8 to function and all of the duties, management, care and
9 maintenance shall revert to the school board of the town of
10 Lincoln or such other board as may, at that time have
11 jurisdiction over similar school property, and the then
12 president and treasurer shall cause to be executed, signed
13 and delivered, a good and sufficient deed of all the prop-
14 erty in said district, to the town of Lincoln. All money, if
15 any remaining in the treasury of the board of trustees at
16 the time it ceases to function, shall be paid to the treasurer
17 of the town of Lincoln. This money shall be used only for
18 school purposes and shall be kept separate from all other
19 money until authorized by the school committee of the town
20 of Lincoln to be expended as hereinbefore stated.

Sect. 8. *Provision for local referendum.* This act shall
2 take effect when approved by a majority vote by ballot of
3 the inhabitants of the town of Lincoln at a town meeting
4 held not later than the first day of April, nineteen hundred
5 and thirty, called as provided by law.

Sect. 9. In view of the emergency cited in the preamble,
2 this act shall take effect when approved and action is taken
3 by the special election provided for.