

MAINE STATE LEGISLATURE

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DECEMBER SPECIAL SESSION

E I G H T Y - S I X T H L E G I S L A T U R E

Legislative Document

No. 39

H. P. 24

House of Representatives, Dec. 5, 1933.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Smith of Orono.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND
THIRTY-THREE

AN ACT to Incorporate the Town of Orono School District.

Emergency Preamble. Whereas, the school building which houses the free high school of the town of Orono was designed to accommodate no more than 90 pupils and there are now over 195 pupils in said building which overcrowds the capacity of said building and the overcrowded condition is dangerous to the health and lives of the students of said school; and

Whereas, it is imperative that action be taken at the earliest possible moment to relieve this dangerous condition; and

Whereas, if immediate action is taken it will be possible to borrow money from the federal government under the Public Works Act; and

Whereas, it will be impossible to borrow the said money unless the school district is created; and

Whereas, construction should be commenced immediately; and

Whereas, in the opinion of the legislature, these facts render the immediate passage of this act necessary for the preservation of the public peace, health and safety, and constitute an emergency within the meaning of the constitution, now therefore,

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

Sec. 1. Town of Orono School District, incorporated. Subject to the provisions of section 7 hereof, the town of Orono shall constitute a body politic and corporate under the name of the "Town of Orono School District" for the purpose of acquiring land within the said town for school purposes; erecting, equipping and maintaining on said land a school building; and for the purpose of maintaining a secondary school, with the right to lease or let said property to said town; all for the benefit of the inhabitants of said town.

Sec. 2. How managed. All the affairs of said district, as are herein provided shall be managed by a board of trustees composed of 3 members who shall be elected as is hereinafter provided.

Sec. 3. Board of trustees, how constituted. The members of the board of trustees shall be the 3 members of the superintending school committee duly elected by the town. Immediately after the taking effect of this act, the present members of the superintending school committee shall become members of the board of trustees and serve as such until their successors are elected and qualified. They shall immediately organize by the election from their own membership of a president, clerk and treasurer, adopting a corporate seal and may employ all needful officers and agents for the proper conduct and management of the affairs of the district and annually thereafter at the beginning of each municipal year the trustees shall organize as hereinbefore provided. On ceasing to be a member of the superintending school committee the said member shall cease to be a member of the board of trustees and his successor on said school committee shall become a member of the board of trustees. At the close of each fiscal year the trustees shall make a detailed report of their doings, of the financial condition of said district and the physical condition of said school building, and also such other matters and things pertaining to said district as shall show the inhabitants thereof how said trustees are fulfilling the duties and obligations of their trust, said reports to be made, attested to and filed with the municipal officers of said town.

Sec. 4. How financed. To procure funds for the purposes of this act and such other expense as may be necessary to the carrying out of said purposes, the said district is hereby authorized to issue its bonds and notes, but shall not incur a total indebtedness exceeding the sum of \$130,000. Each bond shall have inscribed upon its face the words: "Town of Orono School District" and shall bear interest at such rates as the trustees shall determine, payable semi-annually. Said bonds may be issued to mature serially or made to run for such periods as said trustees may determine, but none of which shall run for a longer period than 30 years.

All notes or bonds issued by said 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 a facsimile signature of the president and treasurer printed thereon. The treasurer shall give bond to the district in such sum and with such sureties as said trustees may determine, which bond shall remain in the custody of the president. The expenses of said bond shall be paid by the district. The said district is hereby authorized and empowered to enter into such an agreement with the federal government or any corporation or board authorized by the federal government to loan money or otherwise assist in the financing of such projects as this school district is authorized to carry out.

Sec. 5. Sinking fund. In case said bonds are made to run for a period of years a sinking fund shall be established by the trustees of said district for the purpose of redeeming said bonds when they become due, and not less than 2% of the total cost of the school building and its appurtenances, and the expenses incidental to the carrying out of the purposes of this act shall be added to said sinking fund each year, which may be deposited in a savings bank within the state or may be invested in any United States government bonds, state bonds or the bonds of any political subdivision thereof as the trustees may determine. Whenever any bonds issued by said district become due or can be purchased by said trustees on favorable terms, said trustees shall, if sufficient funds have accumulated in said sinking fund, redeem or purchase said bonds and cancel them. In no case shall bonds so cancelled or redeemed be reissued. In case the amount in the sinking fund shall not be sufficient to pay the total amount of the bonds falling due at any one time, authority to issue new bonds sufficient to redeem so many of said bonds, as cannot be redeemed from the sinking fund is hereby granted to said district but in no case shall new bonds run beyond 30 years from the date of the original issue.

Sec. 6. Provisions for sinking fund. The trustees of the "Town of Orono School District" shall determine the sum to be paid annually into the sinking fund, or if the bonds authorized by this act shall be issued to mature serially what amount is required each year to meet the bonds falling due, and what sum is required each year to meet the interest on said bonds or other obligations, and other necessary expenses in the district, and shall each year thereafter, before the 1st day of April, issue their warrant in the same form as the warrant of the state treasurer for taxes, with proper changes, to the assessors of the town of Orono, requiring them to assess the sum so determined upon the taxable polls and estates within said district and to commit their assessment to the constable or collector of said town of Orono, who shall have all authority and powers to collect said

taxes as is vested by law to collect state, county and municipal taxes. On or before the 31st day of December of the year in which said tax is so levied the treasurer of said town shall pay the amount of the tax so assessed against said district to the treasurer of said district. In the case of the failure on the part of the treasurer of the town to pay said sum, or in the case of his failure to pay any part thereof on or before said 31st day of December of the year in which said tax is so levied the treasurer of said district may issue his warrant for the amount of said tax or so much thereof as shall then remain unpaid, to the sheriff of Penobscot county, requiring him to levy by distress and sale on real and personal property of any of the inhabitants of said district, and the sheriff or either or any of his deputies shall execute said warrant except as is otherwise provided herein. The same authority as is vested in county officials for the collection of county taxes, under the provisions of law, is hereby vested in the trustees of said district in relation to the collection of taxes within said district.

Sec. 7. Provisions for termination of the board of trustees. At such time as the school building shall have been completed, equipped, and occupied by pupils of said district and the board of trustees of the district shall have discharged all of its principal obligations and the property of said district shall be free and clear of all indebtedness the board of trustees shall automatically cease to function and all of the duties, management, care and maintenance shall revert to the school board of the town of Orono or such other board as may, at that time, have jurisdiction over similar school property, and the then president and treasurer shall cause to be executed, signed and delivered, a good and sufficient deed of all the property in said district, to the town of Orono. All money, if any remaining in the treasury of the board of trustees at the time it ceases to function, shall be given to the town treasurer of the town of Orono. This money shall be used only for school purposes and shall be kept separate from all other money until authorized by the selectmen of the town of Orono to be expended as hereinbefore stated.

Emergency Clause; effective date of act; referendum. In view of the emergency recited in the preamble hereof this act shall take effect when accepted and approved at a meeting of the legal voters of the territory embraced within the limits of said district, specially called and held for the purpose not later than 4 months after the approval of this act. Such special election shall be called, advertised and conducted according to the law relating to municipal elections, provided, however, that the board of registration in said town of Orono shall not be required to prepare for posting or the town clerk to post a new list of voters, and for the purpose

of registration of voters, said board shall be in session the 3 secular days next preceding such election, the 1st 2 days thereof to be devoted to registration of voters, and the last day to enable the board to verify the corrections of said lists and to complete and close up their records of said sessions. The town clerk shall reduce the subject matter of this act to the following question "Shall the act to incorporate the Town of Orono School District be accepted?" which question shall be inserted in the warrant. The vote may be taken viva voce or in any other manner agreeable to the meeting. If a majority of those present and voting shall vote on said question in the affirmative this act shall be considered accepted and approved. The result of the vote in said district shall be declared by the municipal officers of the town of Orono and certificate thereof filed by the town clerk with the secretary of state.