

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. 75

H. P. 65

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. Graves of Mt. Desert.

STATE OF MAINE

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

AN ACT to Incorporate the Town of Tremont School District.

Emergency Preamble. Whereas, the school buildings which house the common schools of the town of Tremont are inadequate and are on the verge of condemnation, and

Whereas, the town of Tremont has no secondary school at all in which to accommodate pupils and the present school buildings are over-crowded and the sanitary and ventilating conditions are inadequate, and these conditions are dangerous to the health and lives of the students of said schools, and

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

Whereas, the Federal Emergency Administration of Public Works can make a grant to the town of Tremont of 30% of the cost of labor and material used in the construction which would amount to \$16,000, more or less, provided that it completed a new common and secondary school building for its school pupils, and

Whereas, under the terms of the grant construction must 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 Tremont school district, incorporated. Subject to the provisions of section 7 hereof, all of that part of the town of Tremont in the county of Hancock, excepting a certain triangular lot or parcel of land known as "McKinley Corner", bounded east by the state aid road leading from the Southwest Harbor town line to McKinley; southwest by the town road leading from the state aid road near Flora Lawton's residence to the state road near the residence of William J. Martis; north by the state road leading from Southwest Harbor town line to Baldwin's Corner. Said lot as above described contains 15 acres more or less; shall constitute a body politic and corporate under the name of the "Town of Tremont School District" for the purpose of acquiring lands within the said town for school purposes; erecting, equipping and maintaining on said lands school buildings; and for the purpose of maintaining common and secondary schools with the right to lease or let said properties 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 the 3 members of the superintending school committee for said town.

Sec. 3. Board of trustees, how elected, terms, reports. The members of the superintending school committee of the town of Tremont who are in office and duly elected and qualified at the time of the acceptance of this act shall be the trustees until their term of office expires or there is a vacancy in their office, and any successor shall be elected as is provided for the election of vacancies and successors in the superintending school committee by the statute. The superintending school committee shall, from its members, elect a president and a treasurer who shall be known as the president and treasurer of the Town of Tremont School District.

No one of the trustees shall receive any compensation for his services excepting such compensation as is voted by the town to the superintending schools committee, and at the close of each fiscal year the trustees shall make a detailed report of their doings and the financial condition of the district, and the physical condition of the school building and such other matters pertaining to said district as shall show the inhabitants thereof how the trustees are fulfilling the duties and obligations of said trust and said report shall be attested and filed with the municipal officers of said town.

Sec. 4. How Financed. To procure funds for the purpose 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 capital indebtedness exceeding the sum of \$50,000 and shall only incur said capital indebtedness in the event said Federal Emergency Administration of Public Works allows a federal grant of 30% of the cost of labor and material on the school building. Said notes or bonds are to be the general obligation of the school district of Tremont and each bond shall have inscribed upon its face, "Town of Tremont School District" and shall bear interest at the rate of 4%, payable semi-annually, and may mature serially or may run for such periods as said trustees may determine, but none of them shall be for a period longer than 31 years. All the 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 treasurer printed thereon. The expense of said bonds shall be paid by the district.

Sec. 5. Provisions for sinking fund and retirement of the bonds.

The trustees shall establish a sinking fund for the purpose of redeeming said bonds when they become due, and not less than 4% of the total cost to the town of the building, site, equipment and the expenses incidental to carrying out the purpose of this act shall be added to said sinking fund each year beginning not later than the 6th year so that said bonds will be retired in no less than 25 annual installments within 31 years from the day of the date of their issue. Said sinking fund may be deposited in any bank within the state of Maine or may be invested in government bonds, state bonds, or in the bonds of any political division thereof, as the trustees may determine, and the trustees are empowered to purchase any of the Town of Tremont School District bonds upon favorable terms if and when sufficient funds have accumulated in said sinking fund to redeem maturing bonds and purchase others, and may cancel any bonds so redeemed or purchased, and no bonds so cancelled or redeemed shall be re-issued, but in the event the amount in the sinking fund shall not be sufficient to pay the total amount of bonds falling due at any one time, authority is hereby given to the trustees to issue new bonds sufficient to redeem so many of said bonds as cannot be redeemed from the sinking fund hereby established. but in no case shall the new bonds so issued run beyond 31 years from the date of the original issue.

The trustees of the Town of Tremont 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 treasurer of state for taxes, with proper changes, to the assessors of the town of Tremont, requiring them to assess the same 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 Tremont who shall have all authority and powers to collect said taxes as is vested by law to collect state, county and municipal taxes. Said school district taxes shall be paid to the treasurer of the school district by the treasurer of said town of Tremont at the time and upon the same terms and conditions as is provided by vote of the town for the collection and payment of the town, county and state taxes, but in no event later than the 31st day of December of the year in which said tax is levied. In the case of the failure on the part of the treasurer of the town to pay said tax so levied in such a manner and at such a time, 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 Hancock 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 the revised statutes, 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 Tremont 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 Tremont. 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 Tremont. 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 Tremont to be expended as hereinbefore stated.

Sec. 8. Effective date of act; referendum. This act, as is provided in

section 1 hereof, shall not take effect except for so much of this section as is necessary to permit the holding of the special election for the adoption of this act, which part shall take effect on its passage, unless accepted and approved by a majority vote of the legal voters of the territory embraced within the limits of said district voting at an election to be specially called and held for the purpose, not later than 3 months after the approval of this act. Such special election shall be called, advertised, and conducted according to the law relating to municipal elections. The town clerk shall reduce the subject matter of this act to the following question: "Shall the Act to incorporate the Town of Tremont School District be accepted?" and the voters shall indicate by a cross placed over the words "yes" or "no" their opinion of the same. The result in said district shall be declared by the municipal officers of the town of Tremont and due certificate shall be filed by the town clerk with the secretary of state.