

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. 76

H. P. 66

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. Tompkins of Bridgewater.

STATE OF MAINE

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

AN ACT to Create the Town of Monticello School District.

Emergency Preamble. Whereas, the town of Monticello has begun the construction of a school building; and

Whereas, on account of lack of funds they have been unable to complete the project; and

Whereas, the present school facilities are absolutely inadequate; and

Whereas, if the following bill receives passage the town of Monticello will be enabled to obtain funds from the federal government without which the building could not be completed; and

Whereas, in the judgment of the legislature these facts create an emergency within the meaning of section 16 of Article XXXI of the constitution 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:

Sec. 1. Incorporation; name; purposes. The town of Monticello in Aroostook county, its territory and people therein subject to the provisions of this act shall constitute a body politic and corporate under the name of the "Town of Monticello School District" for the purpose of providing additional school facilities within said district, and for the purpose of com-

pleting, grading and furnishing the new grade and high school building upon land purchased of Joel Wellington on the 6th day of May 1931, which land is a part of town lot No. 42 bounded and described as follows, viz., a strip of land ten rods wide east and west and lying next westerly and adjoining village lots 37, 38, 39 and 40 according to Stetson's survey of said Monticello village, said strip being bounded on the east by village lots 37, 38, 39 and 40, on the south by land owned by Mrs. John R. Weed, and the west by land of said grantor, and on the north by land owned or occupied by Don Bubar on the 6th day of May 1931, which land and buildings were secured and provided for school purposes, all as hereinafter provided, and for the benefit of the inhabitants of said district.

Sec. 2. Conveyance of Monticello grade and high school property; majority vote required. The town of Monticello is hereby authorized to convey to said "Town of Monticello School District" the land and buildings thereon as set forth and described in section 1 of this act.

Before conveying as aforesaid, the municipal officers shall be duly authorized to make such conveyance by a majority vote of the legal voters of said town voting at a special meeting called for that purpose. Said "Town of Monticello School District" is hereby authorized and empowered by action of its trustees to accept from the town of Monticello conveyance of the property above described.

Sec. 3. Trustees; how chosen; organization; compensation. All the affairs of said district as herein provided shall be managed by a board of trustees composed of 5 members, 3 of whom shall be members of the superintending school committee of said town of Monticello and shall hold office while they are members of said superintending school committee; the other two members shall be appointed by the municipal officers of the town of Monticello and serve for a period of 5 years from the date of their appointment. Said trustees shall be chosen by the municipal officers of the town of Monticello as soon as may be after the acceptance of this act as hereinafter provided. Removal from the town of Monticello by any trustee shall ipso facto vacate his office. Vacancies upon the board of trustees occurring because of the expiration of the official term of 5 years, removal from town, resignation, death, or any cause, shall be filled in the same manner in which the original board was chosen.

The members of the board as soon as convenient after they have been chosen as above provided, shall meet upon call of one of their number, after such reasonable notice as he shall deem proper. They shall then elect from their membership a president, clerk and treasurer, adopt a corporate seal and do all other acts, matters and things necessary to perfect their organization. This organized, the trustees shall have the right and authority to

employ such officers and agents as they may deem necessary for the proper conduct and management of the affairs of the district.

The trustees shall serve the district without compensation except that the treasurer shall receive for his services an amount to be fixed by the board of trustees not to exceed \$100 per year. The treasurer shall give a bond to the district in such sum and with such sureties as the trustees may determine, which bond shall be deposited with the president. The expense of said bond shall be paid by the district. The treasurer's salary, bond premium, and all expenses of the district shall be paid from the funds of the district. 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 conditions 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. Authorized to issue notes and bonds. To procure funds for the purpose of this act and such other expenses as may be necessary to the carrying out of said purposes, the district is hereby authorized to issue its notes and bonds, but shall not incur a total indebtedness exceeding the sum of \$25,000. Each bond shall have inscribed upon its face the words "Town of Monticello School District" and shall bear interest at such rates as the trustees shall determine, payable semi-annually. Said bonds shall be issued to mature serially over a period beginning in 1935 and terminating not later than 1967. Terms and conditions of any such bond issue within the limits herein prescribed shall be wholly within the discretion of the trustees. 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.

Sec. 5. Trustees to issue warrant to meet obligations. The trustees of the "Town of Monticello School District" shall annually determine the sum required each year to meet the bonds falling due, the interest on bonds or other obligations, and other necessary expenses of the district, and shall each year thereafter, before the first 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 Monticello, 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 the town of Monticello, who shall have all and the same authority and powers to collect said taxes as is vested by law to collect state, county and mu-

nicipal 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 case of his failure to pay any part thereof 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 Aroostook 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. 6. When trustees cease to function. 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 in respect to such school building shall revert to the school committee of the town of Monticello 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 Monticello. 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 Monticello. 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 Monticello to be expended as hereinbefore provided.

Sec. 7. Act subject to referendum. This act shall not take effect unless accepted and approved by a majority vote of the legal voters of the territory embraced within the limits of said district present and voting at an election to be specially called by the selectmen of the town of Monticello and held for that purpose within 60 days 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 selectmen of the town of Monticello 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 selectmen of the town of Monticello shall be

in session the 3 secular days next preceding such election. The town clerk shall reduce the subject matter of this act to the following question: "Shall the Act to Incorporate the Town of Monticello 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 Monticello and due certificate filed by the town clerk with the secretary of state.'

Emergency Clause. In view of the emergency created as recited in the preamble this act shall take effect when approved.