

MAINE STATE LEGISLATURE

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

Legislative Document

No. 1066

H. P. 2018

House of Representatives, March 22, 1939.

Reported by Mr. Dwinal from Committee on Legal Affairs and laid on table to be printed under joint rules.

HARVEY R. PEASE, Clerk.

S T A T E O F M A I N E

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-NINE

AN ACT to Incorporate the Rockland School District.

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

Sec. 1. City of Rockland School District, Incorporated. Subject to the provisions of section 7 hereof, the inhabitants and territory within the city of Rockland are hereby created a body politic and corporate under the name of City of Rockland School District, Incorporated for the purpose of acquiring property within said city for school purposes, erecting, enlarging, repairing, equipping and maintaining on said property elementary and high schools, with the right to lease or let said property to said city all for the benefit of inhabitants of said city.

Sec. 2. Trustees to manage affairs. All the affairs of said district, as are herein provided shall be managed by a board of trustees composed of 5 members who shall be elected as is hereinafter provided.

Sec. 3. Trustees; how elected; organization of board; election of officers; tenure of office; vacancies; compensation. The trustees so to be elected shall be elected by a plurality of the legal voters of said district voting at any election provided for in section 8. All nominations of candidates so to be voted for shall be made by nomination papers signed in the aggregate for each candidate by no less than 75 qualified voters resident in

said district. Each voter signing a nomination paper shall make his signature in person, and each voter may subscribe to as many nominations as there are trustees to be elected in said district and no more. Such nomination papers, before being filed, shall be submitted to the city clerk of Rockland, who shall forthwith certify thereon what number of the signatures are names of qualified voters resident in said district; 1 of the signers to each such separate paper shall swear to the truth thereon, and the certificate of such oath shall be annexed to or made upon the nomination papers. Such nomination papers shall be filed with the city clerk of said city of Rockland at least 14 days, exclusive of Sundays, previous to the day of such election. With such nomination papers shall also be filed the consent in writing of the person or persons nominated. All nomination papers, being filed and being in apparent conformity with the foregoing provisions, shall be deemed to be valid; and if not in apparent conformity they may be seasonably amended under oath.

In case any candidate who has been duly nominated under the provisions hereof shall die before the day of election, or shall withdraw in writing, or shall remove his place of residence from said district, the vacancy may be supplied in the manner herein provided for such nominations. The name so supplied for vacancy shall, if the ballots have not been printed, be placed on the ballots instead of the original nomination; or if the ballots have been printed, new ballots containing the new nomination shall, if practicable, be furnished, or slips containing the new nomination shall be printed under the direction of said city clerk, which shall be pasted upon said ballots and over the name of the candidate whose nomination has been vacated as aforesaid, and thereafter shall become part of said ballots as if originally printed thereon. The ballot in said district shall contain the names of all candidates so nominated in such district alphabetically arranged, printed in one column under the heading, "For Trustees of the city of Rockland School District." Above such heading shall be printed, "Vote for Five. Make a cross to the right of each name voted for." As many blank spaces shall be left after the names of the candidates as there are trustees to be elected, in which the voter may by writing insert the name of any person or persons for whom he desires to vote. In preparing his ballot the voter shall mark a cross (X) against and to the right of such name on said ballot as he desires to vote for, not to exceed the number of trustees so to be elected in said district. If the voter shall desire to vote for any person or persons whose name or names are not printed on the ballot, he may fill in such name or names in the blank spaces left therefor by writing the same therein, or by using a sticker containing such new name or names. Where the voter so adds by writing such new name or

names, his vote for such new name or names shall be counted therefor although he may fail to mark a cross against the same. The result of such election shall be declared by the municipal officers of the city of Rockland and due certificate thereof filed with the city clerk thereof. The term of office of the trustees shall begin on the date of the election provided for in this act. As soon as convenient after all the members of said board have been so chosen, the trustees shall hold a meeting at the city rooms in the city of Rockland, to be called by one of the trustees upon such reasonable notice therefor as he may deem proper. They shall organize by the election from their own membership of a president, clerk, and treasurer, adopt a corporate seal and may employ all needful officers and agents for the proper conduct and management of the affairs of the district and biennially thereafter during the 1st week of January the trustees shall organize as hereinbefore provided.

At the 1st meeting the trustees shall determine by lot the term of office of each trustee, so that all shall retire and be replaced in 3 biennial periods, 1 at the end of the 1st biennial period, 2 at the end of the second biennial period, and 2 at the end of the 3rd biennial period; and thereafter the term of office of 1 or 2 trustees, as the case may be, shall expire every 2 years and successors shall be elected by a plurality vote of the voters of said district voting upon the date of the biennial election or at a special election called and held for the purpose or at any election called for the purpose of voting upon any state referendum and upon nomination made as is herein provided for the first election of trustees. The trustees so elected shall serve the full term of 6 years and in case any vacancy arises in the membership of the board of trustees it shall be filled by the remaining trustees for the unexpired term. When any trustee ceases to be a resident of said district he vacates the office of trustee and the vacancy shall be filled as aforesaid. All such trustees shall be eligible to reelection. No member, except the treasurer, shall receive compensation for his services and the treasurer shall receive in full compensation for his services an amount to be fixed by the board of trustees of said district and such salary 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 condition of said school buildings, 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 city.

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 indebtedness exceeding the sum of \$300,000. Each bond shall have inscribed upon its face the words: "City of Rockland School District, Incorporated" 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 25 years. All notes or bonds issued by said district shall be signed by the treasurer and president of the district, and if coupon bonds be issued, each coupon shall be attested by a facsimile of the signature of the 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.

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 buildings and 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 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 25 years from the date of the original issue.

Sec. 6. Provisions for sinking fund. The trustees of the "City of Rockland School District, Incorporated" 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 city of Rockland, 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 city of Rockland, who shall collect and 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 city 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 city 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 Knox 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 the 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 buildings shall have been purchased or 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 city of Rockland 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 city of Rockland. All moneys, if any be remaining in the treasury of the board of trustees at the time it ceases to function, shall be paid over to the city treasurer of the city of Rockland. This money shall be used only for school purposes.

Sec. 8. Ratification. This act shall take effect 90 days after the adjournment of this legislature for the purpose of its submission to the legal voters of the territory within the limits of the before defined district at any regular election or at any special election called and held for that purpose, or at any election called for the purpose of voting upon any state refer-

endum. Such election shall be called, advertised and conducted according to the law relating to municipal elections, provided, however, that the board of registration in said city of Rockland shall not be required to prepare for posting or the city 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 first 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 city clerk shall reduce the subject matter of this act to the following question: "Shall the act to incorporate the Rockland 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 city of Rockland and due certificate filed by the city clerk with the secretary of state. If a majority of the legal voters of said territory shall vote in favor of the acceptance of this act, this act shall take full effect.