

MAINE STATE LEGISLATURE

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

Legislative Document

No. 5

H. P. 6 House of Representatives, January 8, 1941.
Referred to Committee on Legal Affairs and 500 copies ordered printed.
Sent up for concurrence.

HARVEY R. PEASE, Clerk.

Presented by Mr. Walker of Littleton.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-ONE

AN ACT to Incorporate the Town of Oakfield School District.

Emergency Preamble. Whereas, the town of Oakfield in 1934 undertook to acquire by purchase a building and lot for high school purposes; and

Whereas, on account of lack of funds they were unable to pay for the same; and

Whereas, the town of Oakfield was then and now is in urgent need of additional school facilities supplied by said building; and

Whereas, in 1934 the selectmen of the town of Oakfield gave notes of the said inhabitants for and in behalf of the said inhabitants for the sum of \$11,000 for the purchase of said lot and building thereon; and

Whereas, there now remains unpaid of the said notes the sum of \$7,050; and

Whereas, these said notes make the outstanding obligations of the said inhabitants of the town of Oakfield in excess of the constitutional debt limit of the said town; and

Whereas, the said town of Oakfield is seriously hampered in conducting the ordinary affairs of the town by reason of its outstanding indebtedness; and

Whereas, the said inhabitants of the town of Oakfield are desirous of reducing their outstanding indebtedness; without which the ordinary affairs of the town cannot be properly administered; 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. A portion of the territory of the town of Oakfield in the county of Aroostook bounded as follows: on the north by the town of Smyrna; on the east by the town of Linneus; on the south by the so-called South road in said town of Oakfield running across said town from the town of New Limerick to the town of Dyer Brook; and on the west by the town of Dyer Brook; and the people therein, subject to the provisions of this act, should constitute a body politic and corporate under the name of the "Town of Oakfield School District" for the purpose of acquiring additional school facilities within said district, and for the purpose of completing, grading and furnishing the new high school building upon land purchased of the Bangor and Aroostook Railroad company on the 14th day of September, 1934, recorded in the Aroostook registry of deeds in vol. 416, page 238, and consisting of 10 acres, more or less, located near Ashland Junction, so-called, in said Oakfield, 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 Oakfield high school property. The town of Oakfield is hereby authorized to convey to said "Town of Oakfield 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 Oakfield School District" is hereby authorized and empowered by action of its trustees to accept from the town of Oakfield conveyance of the property above described.

Sec. 3. Trustees; how chosen; organization; compensation. All affairs of said district, as are herein provided, shall be managed by a board of

trustees composed of 5 members who shall hold office for the period of 5 years from the date of their appointment except as hereinafter provided for. Said trustees shall be chosen by the municipal officers of the town of Oakfield as soon as may be after the passage of this act as hereinafter provided. The members of the first board shall be chosen for the following terms of office; 1 to serve for the remainder of the current municipal year; another for the remainder of this and the next municipal year; another for this and the next ensuing 2 municipal years; another for this and the next ensuing 3 municipal years; and another for this and the next ensuing 4 municipal years. At the expiration of the term of office of any trustee, his successor shall be appointed by the municipal officers of Oakfield, to serve for a term of 5 years. Removal from the town of Oakfield by any trustee shall ipso facto vacate his office. Vacancies upon the board of trustees occurring because of expiration of the official term, removal from town, resignation, death or any cause shall be filled by the municipal officers of the town of Oakfield for the remainder of the unexpired term.

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. Thus 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, annually at the beginning of each municipal year, shall elect their necessary officers.

The trustees shall serve without compensation except the treasurer shall for his services receive 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 expenses of salary, bond premium, and all expenses of the district shall be paid from the funds of the district. At the close of the fiscal year, the trustees shall make a detained report of their doings, of the financial condition of said district, and the physical condition of said school building; 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 the 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 \$20,000. Each bond shall have inscribed upon its face the words "Town of Oakfield School District", and shall bear interest at such rates as the trustees shall determine, payable semi-annually. Said bonds, if issued, shall be issued to mature serially over a period beginning 1942 and terminating not later than 1962. 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.

A sinking fund may be established by the trustees of said district for the purpose of redeeming its notes and/or bonds when they become due, which may be deposited in a savings bank within the state or may be invested in any United States government bonds, state bonds or 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 be re-issued.

Sec. 5. Trustees to issue warrant to meet obligations. The trustees of the "Town of Oakfield School District" shall annually determine the sum of money 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 treasurer of state for taxes, with proper changes, to the assessors of the town of Oakfield, 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 Oakfield, who shall have all and the same 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 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 times 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, all of the duties, management, care and maintenance in respect to such school building shall revert to the school committee of the town of Oakfield 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 Oakfield. 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 Oakfield. 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 Oakfield to be expended as hereinbefore provided.

Sec. 7. Oct subject to referendum. This act shall become operative when 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 especially called by the selectmen of the town of Oakfield 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 Oakfield 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 Oakfield 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 Oakfield School District be Accepted?" and the voters shall indicate by a cross placed over the words "Yes" or "No" their opinion of the same. 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 in said district shall be declared by the municipal officers of the town of Oakfield and true certificate be filed by the town clerk with the secretary of state. So much of this act as is necessary to permit its acceptance or rejection by the legal voters of the town of Oakfield as provided herein shall take effect on its approval by the governor.

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