

# MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

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NINETY - SECOND      L E G I S L A T U R E

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**Legislative Document**

**No. 1225**

H. P. 1522

House of Representatives, July 10, 1946

Received by unanimous consent and referred to the Committee on Legal Affairs. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Cole of West Gardiner.

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**STATE OF MAINE**

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-SIX

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**AN ACT to Incorporate the Town of West Gardiner School District.**

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**Emergency preamble.** Whereas, the school buildings which house the common schools of the town of West Gardiner are inadequate and unsafe; and

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

Whereas, to remedy these conditions construction must be commenced immediately; and

Whereas, in the judgment of the legislature these facts create an emergency within the meaning of section 16, part third, article IV of the constitution of Maine as enacted by article XXXI, 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. Town of West Gardiner School District, incorporated.** Subject to the provisions of section 7, hereof, the inhabitants of the town of West Gardiner shall constitute a body politic and corporate under the name of

the "Town of West Gardiner School District" for the purpose of acquiring land within the said town for school purposes; and erecting, equipping and maintaining on said land a school building; 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. Trustees; how chosen; organization; compensation.** All the affairs of said district as are herein provided shall be managed by a board of trustees composed of 3 members who shall hold office for the period of 3 years from the date of their appointment except as hereinafter provided for. Three trustees shall be chosen by the municipal officers of the town of West Gardiner as soon as may be after the passage of this act as hereinafter provided. Removal from the town of West Gardiner by any trustee shall ipso facto vacate his office. Vacancies upon the board of trustees occurring because of expiration of the official term of 3 years, removal from town, resignation, death or any cause shall be filled by the municipal officers of the town of West Gardiner 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. At the first meeting the trustees so appointed shall determine by lot the term of office of each trustee so that 1 trustee shall retire each year and the term of office of the first trustee to expire shall end at the close of the municipal year of the town of West Gardiner following the acceptance of this act. And thereafter the term of office of a trustee shall expire and his successor shall be elected by the legal voters of West Gardiner at the close of each municipal year of said town. 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 shall serve without compensation except the treasurer may 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 such 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 the 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 for 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 \$30,000. Each bond shall have inscribed upon its face the words: "Town of West Gardiner 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 are issued each coupon shall be attested by a facsimile signature of the president and treasurer printed thereon. 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 West Gardiner 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 West Gardiner, 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 taxes of said town of West Gardiner, 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 Kennebec county, requiring him to levy his distress and sale on real and personal property of any of the inhabitants of said district, and the sheriff or either 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 the duties, management, care and maintenance shall revert to the school board of the town of West Gardiner or such other board as may, at that time, have jurisdiction over sim-

ilar school property, and then the 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 West Gardiner. 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 West Gardiner. 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 West Gardiner 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 law relating to municipal elections, provided however, that the selectmen in the town of West Gardiner shall not be required to prepare for posting or the town clerk to post a new list of voters, and for the purposes of registration of voters, said selectmen 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 West Gardiner 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 West Gardiner and due certificate filed by the town clerk with the secretary of state.