

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

FIRST SPECIAL SESSION

NINETY - SECOND LEGISLATURE

Legislative Document

No. 1227

H. P. 1524

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. Vickery of Pittsfield.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-SIX

**AN ACT to Incorporate the Canaan School District.**

**Emergency preamble.** Whereas, the present accommodations for the schools of Canaan are wholly inadequate to accommodate the pupils of said town; and

Whereas, the grade school of the town was totally destroyed by fire in December, 1944, and the pupils of said school have been assigned to other schools, causing a serious overcrowding therein; and

Whereas, the educational department of the state has demanded that the present toilets in the schools for sanitary reasons be remodeled, or else new toilets be constructed; and

Whereas, the expense of the construction of new school facilities or the suitable remodelling of present facilities would cause the town of Canaan to exceed its debt limit,—an expense of \$50,000 being a conservative estimate; 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 the state 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. Canaan School District, incorporated.** Subject to the provisions of section 7 hereof, the inhabitants and territory within the town of Canaan are hereby created a body politic and corporate under the name of "Canaan School District" for the purpose of acquiring property within the town for school purposes; for the purpose of erecting, enlarging, repairing, equipping and maintaining on said property or on other property now owned or hereafter acquired by said town, a school building or buildings; for the purpose of maintaining and improving other school buildings in said district; for the purpose of maintaining proper schools, with the right to 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 herein provided, shall be managed by a board of trustees composed of 3 members, who shall be elected as hereinafter provided.

**Sec. 3. Trustees, how chosen; organization.** The trustees so to be elected, shall be elected, subject to the acceptance of this act, by a plurality vote of the legal voters of said district at the election provided for in section 7; said trustees shall be elected in the same manner provided for by the said town for the election of the school board; no trustee shall hold any other elective office in said town. As soon as convenient after all the members of said board have been elected, the trustees shall hold a meeting to be called by one of their number after such reasonable notice as he may deem proper; at the first meeting of said trustees, they shall organize by the election from their own membership, of a president, clerk and treasurer, adopt a corporate seal, and do all other acts, matter 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 said district and annually thereafter at the beginning of each municipal year, the trustees shall organize as herein provided.

At the first meeting, the trustees so elected shall determine by lot the term of office of each trustee, so that one trustee shall retire each year, and the term of office of the first trustee shall expire at the end of the municipal year of the town of Canaan first following the acceptance of this act, and thereafter the term of office of one trustee shall expire and

his successor shall be elected by a plurality vote of the votes of said district voting upon the date of the annual election of said town as herein provided. The trustees so elected shall serve the full term of 3 years, and in case any vacancy arises in the membership of the board of trustees, such vacancy shall be filled by appointment by the board of selectmen of the said town of Canaan for the unexpired term. When any trustee ceases to be a resident of said district, he vacates his office as trustee, and the vacancy shall be filled as aforesaid. All such trustees shall be eligible for reelection.

The trustees shall serve without compensation, except that the treasurer shall receive as full compensation for his services an amount to be fixed by the board of selectmen of the said town of Canaan, not to exceed \$100 per year; and such salary and 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, of the physical condition of the school buildings and equipment, and also such other matters and things pertaining to said district as shall show the inhabitants thereof how said trustees are fulfilling their duties and obligations of their trust; such report shall be made and filed with the municipal officers of said town on or before March 1st of each year.

**Sec. 4. How financed.** To procure funds for the purpose 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 in excess of the sum of \$40,000. Each bond shall have inscribed upon its face the words, "Town of Canaan School District," and shall bear interest at such rate 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 period longer than 25 years. All such notes and bonds issued by said school 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. Said notes and bonds shall be legal obligations of said district, which is hereby declared to be a quasi-municipal corporation within the meaning of section 132 of chapter 49 of the revised statutes of 1944 and all the provisions of said section shall be applicable thereto; said notes and bonds shall be legal investments for savings banks. The said district is hereby empowered and authorized to enter into an agreement with the federal government or any

certified corporation or board to loan money or otherwise assist in the purpose of financing such projects as this school district is authorized to carry out. 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 expense 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 4% of the par value of such issue shall be added to the sinking fund each year, which said sinking fund may be deposited in any savings bank or savings department of a national bank in this state, or invested in United States 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, the said trustees shall, if sufficient funds have accumulated in said sinking fund, redeem or purchase said bonds and cancel them; but in no case shall any bond or bonds so purchased, redeemed or cancelled, 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 can not be redeemed from the sinking fund, is hereby granted 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 Canaan 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 interest on said bonds, to meet the bonds falling due, 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, with proper changes, to the assessors of the town of Canaan, requiring them to assess the sum so determined, upon the taxable polls and estates in the district, and to commit their assessment to the collector of the said town of Canaan, 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 district shall issue his warrant for the amount of said tax, or so much thereof as shall remain unpaid, to the sheriff of Somerset county, requiring him to levy by distress and sale on real and/or 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 the revised statutes, is hereby vested in the trustees of said district in relation to the collection of taxes within said district.

**Sec. 7. Referendum.** This act, as provided for in section 1 hereof, shall not take effect unless accepted and approved by a majority vote of the legal voters within said district, voting at an election called and held for that purpose at the time of the next annual municipal election or at a special municipal election after the approval of this act; the town clerk shall reduce the subject of this act to the following question, "Shall the Act to Incorporate the Canaan School District be accepted?" and the voters shall indicate by a cross placed over or against the words "Yes" or "No" their opinion of the same; and said town clerk shall prepare the required ballots. The result of the vote in said district shall be declared by the municipal officers of the town of Canaan and a certificate thereof filed by the town clerk with the secretary of state.