

MAINE STATE LEGISLATURE

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NINETY - THIRD LEGISLATURE

Legislative Document

No. 377

H. P. 612

House of Representatives, January 31, 1947.

Referred to Committee on Legal Affairs. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Burgess of Limestone.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-SEVEN

AN ACT to Incorporate the Town of Van Buren School District.

Emergency preamble. Whereas, the existing facilities of the town of Van Buren are entirely inadequate for the secondary school education of its children; and

Whereas, the town of Grand Isle and the plantations of Hamlin and Cyr are without any facilities for secondary school education and dependent therefor on such facilities as the town of Van Buren and adjoining towns may have, and

Whereas, further delay in building a suitable school building will endanger the health of the secondary school students of the towns of Van Buren and Grand Isle and the plantations of Hamlin and Cyr and will prevent their receiving the proper instruction to which they are entitled, and

Whereas, in the judgment of the legislature these facts create an emergency within the meaning 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. Town of Van Buren School District, incorporated. Subject to the provisions of section 7 hereof, the inhabitants of the town of Van

Buren, the inhabitants of the town of Grand Isle, the inhabitants of Hamlin plantation and Cyr plantation shall constitute a body politic and corporate under the name of "TOWN OF VAN BUREN SCHOOL DISTRICT" for the purpose of acquiring land and buildings for secondary school purposes, erecting, equipping and maintaining on said land school building or buildings and the operation of secondary schools.

Sec. 2. How managed. All the affairs of said district, as are hereinafter provided, shall be managed by a board of trustees composed of not more than 7 members, which shall be created in accordance with the provisions of section 3 hereof. Said board shall be composed of 4 members from the town of Van Buren and one each from the town of Grand Isle, Hamlin plantation and Cyr plantation providing, however, that the right of the town of Grand Isle, Hamlin plantation or Cyr plantation to have a representative on said board of trustees shall be dependent upon the acceptance of said town or plantation of this act as provided in section 7 hereof.

Sec. 3. Board of trustees; election; vacancies, how filled; compensation. Said board of trustees shall be initially composed of the school board of the town of Van Buren as constituted at the time of the acceptance of this act by the town of Van Buren, one additional member from the town of Van Buren to be elected at the town meeting at which this act is accepted and one member each from the town of Grand Isle, Hamlin plantation and Cyr plantation to be elected at the meeting of said town or plantation at which this act is accepted. Thereafter the trustees shall be elected at the annual meetings of the respective towns or plantations. Any vacancy may be filled by the board of selectmen of the respective towns or plantations. The trustees 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 may adopt a code of by-laws not inconsistent with the provisions of this act or the general law. A majority of the board of trustees shall constitute a quorum for the transaction of business and a majority of a quorum shall control. The compensation of the trustees, if any, shall be determined and paid for by the board of selectmen of their respective towns or plantations. The compensation of the officers of the board, if any, shall be determined by the board of trustees and such compensation and all other 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 the financial condition of the dis-

tract, the physical condition of the school buildings and also such other matters and things pertaining to the affairs of 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 towns and plantations.

Sec. 4. Power to borrow money. 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 \$125,000. Each bond shall have inscribed upon its face the words: "Town of Van Buren 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 20 years. All notes or bonds issued by said district shall be signed by the treasurer and countersigned by the president of said district, and if coupon bonds be issued, each coupon shall be attested by a facsimile signature of the 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, and all the provisions of said section shall be applicable thereto. The said notes and bonds shall be exempt from taxation. 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 5% of the total amount of the bond issue shall be added to the 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 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 20 years from the date of the original issue.

Sec. 6. How financed. The trustees of the town of Van Buren School District shall within 60 days after this act shall have become effective, as provided in section 7 hereof and thereafter annually before April 1st of each year, 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, what further sum is necessary to meet the interest on said bonds or other obligations, and all other expenses necessary for the operation of the district. The sum thus arrived at shall be divided into so many parts as there shall be towns and plantations that have accepted this act, the amount of each part to be determined proportionately in the ratio that the valuation of each town or plantation at the last assessment bears to the total valuation of all such towns or plantations. The trustees shall thereupon issue their warrant in the same form as the warrant of the treasurer of state for taxes, with proper changes, to the assessors of each town or plantation for its proportionate share of the expenses of the district requiring them to assess the sum so determined upon the taxable polls and estates within said town or plantation and to commit the assessment to the constable or collector of said town or plantation who shall have all the 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 each town or plantation shall pay the amount of the tax so assessed against his said town or plantation to the treasurer of the district. In the case of the failure on the part of the treasurer of said town or plantation to pay said sum or any part thereof on or before said 31st day of December in the year in which said tax is levied, the treasurer of the 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 the real and personal property of any of the inhabitants of such defaulting town or plantation and the sheriff or any of his deputies shall execute said warrant except as 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 such town or plantation.

Sec. 7. Effective date of October referendum. This act as is provided in section 1 thereof shall not take effect unless accepted and approved by

a legal town meeting of the town of Van Buren held not later than 60 days after the approval of this act. Subject to said acceptance and approval by the town of Van Buren, the town of Grand Isle, Hamlin plantation and Cyr plantation may either before or after such acceptance and approval by the town of Van Buren accept and approve this act by a legal town meeting but said act shall in no event become effective unless accepted and approved by said town of Van Buren as above provided. The provisions of section 6 of this act shall apply only to such town or plantation as shall have accepted and approved this act. Whenever this act shall be accepted by any town or plantation, due certificates thereof shall be filed with the secretary of state by the clerk of said town or plantation.

Sec. 8. Conveyance of property. In the event of the acceptance and approval of this act as set forth in section 7, the towns of Van Buren, Grand Isle and the plantations of Hamlin and Cyr are hereby authorized and empowered but not required to convey any and all property now used by them for school purposes to the Town of Van Buren School District and said district is authorized and empowered but not required to accept such conveyances and administer said property in accordance with the powers set forth in section 1 of this act.

Sec. 9. Emergency clause. In view of the emergency recited in the preamble hereof, this act shall take effect when approved.