

MAINE STATE LEGISLATURE

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

Legislative Document

No. 438

H. P. 667

House of Representatives, February 4, 1947.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Clements of Belfast.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-SEVEN

AN ACT to Incorporate the City of Belfast School District.

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

Sec. 1. School district corporation created; purpose. Subject to the provisions of section 7 hereof, the city of Belfast shall constitute a body politic and corporate under the name of City of Belfast School District for the purpose of altering the school within said district known as the Governor Anderson School located on upper High street in said Belfast, and erecting, equipping and maintaining an addition to said school upon land already secured for the purpose, or such other land as it may purchase, as is hereinafter provided for the benefit of the inhabitants thereof.

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 trustee so to be elected shall be elected by the city council of the said city of Belfast. The term of office of the trustees shall begin on the date of any 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 Belfast, 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 annually thereafter at the beginning of each fiscal year of said city of Belfast, the trustees shall organize as hereinbefore provided.

At the 1st meeting the trustees so elected 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 end of the 1st fiscal year of the city of Belfast following the first election of trustees, and thereafter the term of office of a trustee shall expire and his successor shall be elected by the said city council of Belfast. The trustees so elected shall serve the full term of 5 years and in case any vacancy arises in the membership of the board of trustees it shall be filled by the city council of said city of Belfast for the unexpired term. When any trustee ceases to be a resident of said district he vacates the office of the trustee and the vacancy shall be filled as aforesaid. All such trustees shall be eligible to re-election. 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 city council of the said city of Belfast 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 of said city, the trustees shall make a detailed report of their doings, of the financial condition of said district and the physical condition of said alteration and or addition to 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 report to be made, attested to and filed with the municipal officers of said city.

Sec. 4. Authorized to issue bonds; limit; formal requirements. 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 said district is hereby authorized to issue its notes and bonds, but shall not incur a total indebtedness exceeding the sum of \$50,000. Each bond shall have inscribed upon its face the words: "City of Belfast 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 15 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 be issued, each coupon shall be attested by a facsimile signature of the president and 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; how constituted; investment of 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 alteration and/or addition to said 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 re-issued. 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 15 years from the date of the original issue.

Sec. 6. Trustees to determine annual amount to be paid into sinking fund; other expenses; taxes, how assessed and collected. The trustees of the City of Belfast 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 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 Belfast, 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 Belfast, 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 Decem-

ber 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 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 Waldo 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. 7. Property of district to become property of town when paid for. At such time as the alteration and/or addition to said 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 of the duties, management, care and maintenance shall revert to the superintending school committee of the city of Belfast 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 Belfast. 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 city treasurer of the city of Belfast. This money shall be used only for school purposes and shall be kept separate from all other money until authorized by the city council of the city of Belfast to be expended as hereinbefore stated.

Sec. 8. Local referendum provided for; form of ballot; return to secretary of state. This act, as is provided in section 1 hereof, shall not take effect unless accepted and approved by a majority vote of the legal voters of the territory embraced within the limits of said district voting at any regular election or at any special election. Any special 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 Belfast 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 City of Belfast 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 Belfast and due certificate filed by the city clerk with the secretary of state.