

MAINE STATE LEGISLATURE

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NINETY - THIRD LEGISLATURE

Legislative Document

No. 945

H. P. 1274

House of Representatives, February 14, 1947.

Transmitted by revisor of statutes pursuant to joint order

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Bird of Rockland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-SEVEN

AN ACT Creating the Rockland School District.

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

Sec. 1. Rockland School District. Subject to the provisions of section 8 hereof, the inhabitants and territory within the city of Rockland are hereby created a body politic and corporate under the name of Rockland School District, for the purpose of acquiring property within said city for school purposes, erecting, enlarging, repairing, equipping and maintaining on said property, elementary and high schools, with right to lease or let said property to said city all for the benefit of inhabitants of said city.

Sec. 2. Trustees, powers and duties; limitations. All the affairs of said district, (except election of teachers who shall serve in the said schools and the fixing of their salaries, the course of study, the terms of school and all other matters pertaining to the education of pupils which matters shall be controlled, as provided by law, by the school board of the city of Rockland) shall be managed by a board of 5 trustees who shall be bona fide residents of the city of Rockland, and who shall be elected as is hereinafter provided. The board of trustees, acting for said district, shall have and exercise all the powers and authorities necessary to carry out the purposes of this act and the powers and authorities granted herein.

Sec. 3. Trustees; how elected; organization of board; election of officers; tenure of office; vacancies; compensation. The trustees so to be elected shall be elected by a plurality of the legal voters of said district voting at any election provided for in section 8. All nominations of candidates so to be voted for shall be made by nomination papers signed in aggregate for each candidate by no less than 125 nor more than 150 qualified voters resident in said district. Each voter signing a nomination paper shall make his signature in person, and each voter may subscribe to as many nominations as there are trustees to be elected in said district and no more. Such nomination papers, before being filed, shall be submitted to the city clerk of Rockland, who shall forthwith certify thereon what number of the signatures are names of qualified voters resident in said district; one of the signers to each such separate paper shall swear to the truth thereon, and the certificate of such oath shall be annexed to or made upon the nomination papers. Such nomination papers shall be filed with the city clerk of said city of Rockland at least 14 days, exclusive of Sundays, previous to the day of such election. With such nomination papers shall also be filed the consent in writing of the person or persons nominated. All nomination papers, being filed and being in apparent conformity with the foregoing provisions, shall be deemed to be valid; and if not in apparent conformity they may be seasonably amended under oath.

In case any candidate who has been duly nominated under the provisions hereof shall die before the day of election, or shall withdraw in writing or shall remove his place of residence from said district, the vacancy may be supplied in the manner herein provided for such nominations. The name so supplied for vacancy shall, if the ballots have not been printed, be placed on the ballots instead of the original nomination; or if the ballots have been printed, new ballots containing the new nomination shall, if practicable, be furnished, or slips containing the new nominations shall be printed under the direction of said city clerk, which shall be pasted upon said ballots and over the name of the candidate whose nomination has been vacated as aforesaid, and thereafter shall become part of said ballots as if originally printed thereon. The ballot in said district shall contain the names of all candidates so nominated in such district alphabetically arranged, printed in one column under the heading, "For Trustees of the Rockland School District." Above such heading shall be printed "Vote for Five. Make a cross to the right of each name voted for." As many blank spaces shall be left after the names of the candidates as there are trustees to be elected, in which the voters may by writing insert the name of any person or persons for whom he desires to vote. In preparing his ballot the

voter shall mark a cross (X) against and to the right of such name on said ballot as he desires to vote for, not to exceed the number of trustees so to be elected in said district. If the voter shall desire to vote for any person or persons whose name or names are not printed on the ballot, he may fill in such name or names in the blank spaces left therefor by writing the same therein, or by using a sticker containing such new name or names. Where the voter so adds by writing such new name or names, his vote for such new name or names shall be counted therefor although he may fail to mark a cross against the same. The members of the board of trustees shall be elected at large by and from the qualified voters of the Rockland School District for a term of 3 years and until their successors are elected and qualified; except that at the first election after the adoption of this act the 2 members-elect who receive the largest number of votes cast at such election shall hold office for 3 years, the 2 members-elect who receive the next largest number of votes cast at such election shall hold office for 2 years, and the one member-elect who receives the next largest number of votes cast at such election shall hold office for 1 year. The result of such election shall be declared by the municipal officers of the city of Rockland and due certificate thereof filed with the city clerk thereof. The term of office of the trustees shall begin on the date of the election provided for in this act. As soon as convenient within 2 weeks 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 Rockland, 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 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 biennially thereafter during the first week of January the trustees shall organize as hereinbefore provided. In case any vacancy arises in the membership of the board of trustees it shall be filled by the remaining trustees for the period extending to the next available election. If at any regular election, there shall exist a vacancy in an unexpired term, the voters shall cast their ballots as prescribed hereinbefore, voting for as many candidates as there are offices to be filled. When any trustee ceases to be a resident of said district he vacates the office of 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 any compensation for his services and the treasurer shall receive in full compensation for his services an amount to be fixed by the board of trustees of said district 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 the trustees shall make a detailed

report of their doings, of the financial condition of said district and the physical condition of said school buildings, and 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 city.

Sec. 4. How financed. 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, not in excess of \$200,000, except by express vote of the citizens of the district in a referendum. Each bond shall have inscribed upon its face the words: "Rockland School District," and shall bear interest at such rates as the trustees shall determine, payable semiannually. Said bonds shall be issued to mature serially none of which shall run for a longer period than 25 years. All notes or bonds issued by said district shall be signed by the treasurer and president of the district, and if coupon bonds be issued, each coupon shall be attested by a facsimile of the signature of the 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 such bond shall be paid by the district.

Sec. 5. Provisions for payment of serial bonds. The trustees of the "Rockland School District" shall determine the sum to be paid annually to meet the bonds falling due and 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 assessor of the city of Rockland, requiring him to assess the sum so determined upon the taxable polls and estates within said district and to commit his assessment to the constable or collector of said city of Rockland, who shall collect and 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 levied, the director of finance 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 director of finance of the city 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 shall exercise

the same authority as is vested in the municipal officers in the collection of state, county or municipal taxes.

Sec. 6. Provisions for termination of the board of trustees. At such time as the school buildings shall have been purchased or 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 school board of the city of Rockland, 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 Rockland. All moneys, if any be remaining in the treasury of the board of trustees at the time it ceases to function, shall be paid over to the director of finance of the city of Rockland. This money shall be used only for school purposes.

Sec. 7. Acceptance of other funds. Nothing in this act shall be construed to prevent acceptance by the trustees of any gift, grant in aid or financial assistance from any source whatever.

Sec. 8. Ratification. This act shall take effect 90 days after the adjournment of this legislature for the purpose of its submission to the legal voters of the territory within the limits of the before-defined district at any regular election or at any special election called and held for that purpose, or at any election called for the purpose of voting upon any state referendum. Such 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 Rockland 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 Rockland 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 Rockland and due certificate filed by the city clerk with the secretary of state. If a majority of the votes cast by the legal voters of said territory are in favor of the acceptance of this act, this act shall take full effect.