

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)

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. 949

H. P. 1290

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. Woodbury of New Gloucester.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-SEVEN

AN ACT to Incorporate the Town of Gray School District.

Emergency preamble. Whereas, the accommodations for the schools in the town of Gray are inadequate to accommodate the pupils therein, and

Whereas, there are at present 5 scattered buildings now used for school purposes resulting in inefficiency in administration with corresponding waste of money, and

Whereas, said buildings are in very bad condition and cannot be repaired at any reasonable cost commensurate with the results obtainable, and

Whereas, overcrowded conditions make it impossible to properly instruct the students in said schools and to maintain proper health and sanitary conditions therein whereby the health, welfare, peace and safety of students is jeopardized, and

Whereas, it is impossible for the town of Gray to borrow the necessary money with which to build a school building or buildings, and

Whereas, if immediate action is taken it may be possible to obtain federal funds to assist in the building of the new school building or buildings, 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. Incorporation; name; purposes. Subject to the provisions of sections 7 and 10 hereof, the inhabitants of and the territory within the town of Gray are hereby created a body politic and corporate under the name of "Town of Gray School District" for the purpose of acquiring property within the said town for school and related athletic and recreational purposes; for the purpose of erecting, constructing, enlarging, repairing, equipping and maintaining on said property a school building or school buildings and related athletic and recreational facilities; for the purpose of completing, grading, furnishing, rebuilding, renovating and otherwise bettering the condition of any and all buildings within said town used for school purposes or which may hereafter be used for school purposes; for the purpose of leasing or letting any property of said district to said town for the purpose of receiving, accepting and holding gifts, grants or devises of property real, personal or mixed to be used for school and related athletic and recreational purposes; all for the benefit of the inhabitants of said town.

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 by the superintending school committee of the town of Gray) shall be managed by a board of 5 trustees 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, tenure of office, organization of board; officers, vacancies, compensation; reports. At any time after the acceptance of this act as hereinafter provided, the legal voters of the district, who are residents thereof qualified to vote for governor, shall elect 5 trustees of said district, to hold office as follows respectively: 1 until the annual town meeting in 1948, 1 until the annual town meeting in 1949, 1 until the annual town meeting in 1950, 1 until the annual town meeting in 1951, and 1 until the annual town meeting in 1952. At each annual town meeting of the town of Gray, beginning with the annual town meeting in 1948, 1 trus-

tee shall be elected to serve until the annual town meeting occurring 5 years thereafter. When any trustee ceases to be a resident of said district he vacates the office of trustee. Any vacancy upon the board of trustees occurring because of change of residence of trustees, resignation, death or any cause except normal expiration of term of office, a trustee shall be appointed at a joint session of the 3 selectmen of the town of Gray and the remaining trustees of said district to serve until the next annual town meeting, at which time a member of said board shall be elected to fill the unexpired portion of the term of the vacant office. All trustees shall be eligible for reelection.

The first meeting of the board of trustees shall be held as soon as convenient after they have been elected as above provided. At this original meeting, they shall elect from their membership a president, a clerk, and a treasurer, shall adopt a corporate seal, may ordain and establish such by-laws consistent with the laws of the state as are necessary for their own convenience and the proper management of the affairs of said district, and may do all other acts, matters and things necessary to perfect their organization. Within 2 weeks after each annual town meeting of the town of Gray the trustees shall meet for the purpose of electing a president, clerk and treasurer for the ensuing year and until their successors are elected and qualified. 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, but such compensation shall be fixed by vote of the legal voters of said district.

The trustees shall serve without compensation, except that the treasurer may receive for his services an amount to be fixed by the board of trustees not in excess of \$100 per year. The treasurer shall give bond to the district in such sum and with such sureties as the trustees may determine, which bond shall remain in the custody of the president. The cost of such bond shall be paid by the district.

At the close of each fiscal year of said district (which shall coincide with the fiscal year of the town of Gray) the trustees shall make a detailed report of their doings, of the financial condition of said district, of the physical condition of its property, and also of 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 trustees. Such report shall be made and filed with the municipal officers of the town of Gray on or before February 5 of each year to be published in the annual town report.

Sec. 4. How financed. To procure funds for the purpose of this act, and for such other expenses as may be necessary to carry out said purposes, the said district is hereby authorized from time to time to borrow money and to issue its bonds therefor, but shall not incur a total indebtedness exceeding the sum of \$100,000. Each bond shall have inscribed upon its face the words "Town of Gray School District", shall bear interest at such rates as the trustees shall determine, payable semiannually, and shall be subject to such other provisions as the trustees shall determine. 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 from the date of the original issue thereof. All bonds shall be made callable. All bonds issued by said district shall be signed by the treasurer and countersigned by the president of said district, and if coupon bonds are issued, each coupon shall be attested by the facsimile signatures of the president and treasurer printed thereon. Said 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 bonds shall be legal investments for savings banks. The said district is hereby authorized and empowered to enter into such an agreement with the federal government, or any agency thereof 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, as may be necessary or desirable to accomplish the purposes of this act. The said district is also authorized to borrow money for temporary purposes and to issue therefor the interest bearing negotiable notes of the district, not exceeding in amount \$10,000 outstanding at any one time, which said notes shall be payable not later than 1 year from the date thereof.

Sec. 5. Sinking fund; refunding bonds provided for. In case any bonds at any time issued are made to run for a period of years (as distinguished from serial maturity), the trustees shall establish a sinking fund for such bonds for the purpose of redeeming the same when they become due. The amount to be paid annually into such sinking fund shall not be less than $2\frac{1}{2}\%$ of the total principal amount of such bonds originally issued. In addition to such annual sinking fund payment, the trustees shall have authority from time to time to add to any such sinking fund any funds of said district not required for other purposes. Funds in any sinking fund may be deposited in any national bank, savings bank or trust company within the state or may be invested in whole or in part in any bonds of the United

States, of the state of Maine, or of any political subdivision thereof, as the trustees may determine. Interest received on any funds so invested shall be added to the sinking fund. When and if the amount accumulated in any sinking fund, together with interest received or to be received thereon, shall be sufficient to pay at maturity, or, at the option of the trustees, to redeem the bonds for the benefit of which such sinking fund was established, all further payments to such sinking fund shall cease.

Whenever any bonds issued by said district may become due or can be purchased or called for redemption by said district on favorable terms, said trustees, if sufficient funds have accumulated in the sinking fund provided therefor, shall pay, purchase or redeem said bonds and cancel them. In no case shall bonds so paid, purchased or redeemed, and cancelled, be reissued.

In case the amount in any sinking fund shall not be sufficient to pay the total amount when due of the bonds for which such sinking fund was provided, or in case it shall become desirable in the opinion of the trustees to call for redemption any outstanding bonds and to issue new bonds in their stead, authority is hereby granted to redeem so many of said original bonds as cannot be paid or redeemed from the sinking fund provided therefor, if any, but in no case shall such new bonds mature more than 40 years from the original date of issue of the original bonds so refunded.

Sec. 6. Assessment of taxes authorized to meet indebtedness; how collected; procedure. The trustees of the "Town of Gray School District" shall determine what sum is required each year for sinking fund payments, not to exceed \$10,000 in any 1 year without consent of the legal voters of said district, or if the bonds authorized by this act shall be issued to mature serially, what sum 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 what sum is required each year to meet other necessary expenses in the district, and shall each year, 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 town of Gray, requiring that they assess the total sum so determined upon the taxable polls and estates within said district and to commit their assessment to the constable or collector of said town of Gray, 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 a failure on the part of the treasurer

of the town to pay said sum, or in 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 levied, the treasurer of said district may issue his warrant for the amount of said tax, or so much thereof as shall then remains unpaid, to the sheriff of Cumberland 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 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. Provisions for termination of the board of trustees. At such time as the school building or buildings and related athletic and recreational facilities 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 of the property of said district shall revert to the superintending school committee of the town of Gray or such other board as may at that time have jurisdiction over similar school property, and the then president and treasurer of said district shall cause to be executed, signed and delivered, a good and sufficient deed of all the property of said district to the town of Gray. All money, if any, remaining in the treasury of said district at the time said trustees cease to function, shall be given to the town treasurer of the town of Gray. 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 Gray to be expended for one or more of the purposes stated in this act.

Sec. 8. Authority to receive property from the town of Gray. The "Town of Gray School District" is hereby authorized to receive from the town of Gray, and said town of Gray is hereby authorized to transfer and convey to said district, any property, real, personal or mixed, now or hereafter owned or held by the town of Gray for school purposes, and any sums of money or other assets which the said town of Gray has raised or may raise, either by taxation, borrowing or otherwise, for school purposes. Before transferring and conveying any of said property or turning over any of said funds or assets, the municipal officers of the town of Gray shall be duly authorized to do so by a majority vote of the legal voters present at any annual or special town meeting, the call for which shall have

given notice of the proposed action. The property of said district, wherever located, shall be exempt from taxation.

Sec. 9. Eminent Domain. Said district is further authorized and empowered to take and hold by purchase, lease or the exercise of eminent domain, which right of eminent domain is expressly granted to said district, or otherwise, personal property, land or real estate, or easements therein, necessary for any and all objects and purposes necessary, convenient and proper for the purposes of this act.

Said district shall be liable to pay all damages that shall be sustained by any person or corporation in his or its property by taking of any personal property, real estate or easement, under the provisions of this act. If any person or corporation sustaining damages, as aforesaid, and the district shall not mutually agree upon the sum to be paid therefor, such person or corporation may cause his or its damages to be ascertained in the same manner and under the same conditions and limitations as are by law prescribed in the case of damages resulting from the laying out of town ways.

Sec. 10. Referendum. This act shall not take effect unless and until accepted and approved by a majority vote of the legal voters of the territory embraced within the limits of said district, present and voting at a special meeting called and held for the purpose or at an annual town meeting of the town of Gray. Such special meeting or annual town meeting shall be held not later than 3 months after the approval of this act. In the event a special meeting is called for the purpose, it shall be called, advertised, and conduction according to the law relating to municipal elections; provided, however, that the board of registration in said town of Gray shall not be required to prepare for posting, or the town 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 special meeting, the 1st and 2nd days thereof to be devoted to the registration of voters, and the 3rd day to enable the board to verify the corrections of such list and to complete and close their records of said sessions. The town clerk shall prepare the required ballots on which he shall reduce the subject matter of this act to the following question: "Shall the act to incorporate the town of Gray 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 Gray, and due certificate filed by the town clerk with the secretary of state.

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.