

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

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H. P. 1613

House of Representatives, March 11, 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. Ellis of Castle Hill.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-SEVEN

AN ACT to Create the Ashland Area Community School District.

Emergency preamble. Whereas, the school building now used to house the high school is inadequate to accommodate the number of pupils therein; and

Whereas, because of the overcrowded conditions, it is impossible to properly instruct the pupils of said school; and

Whereas, the school is so constructed that it is not practical or feasible to enlarge said building; and

Whereas, the said overcrowded conditions make it difficult to maintain sanitary conditions, thereby jeopardizing the health, welfare and safety of said pupils; and

Whereas, no one town in the area is able to bear the financial burden of erecting a suitable building, it appears necessary for the several towns to form a school district and pool their resources; 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. Territorial limits; name; purpose. The territory comprising the towns of Ashland, Masardis and Portage Lake, and the plantations of Garfield, Nashville and Oxbow and the people therein shall constitute a body politic and corporate under the name of the Ashland Area Community School District for the purpose of acquiring land within the said towns for school and other educational purposes; for the purpose of erecting, enlarging, repairing, equipping and maintaining on said property a school building or buildings and related physical educational facilities; for the purpose of providing adequate educational accommodations for grades 7 through 12 within said district.

Sec. 2. How managed. All the affairs of said district, as are herein provided, shall be managed by a community school committee who shall be elected as is hereinafter provided.

Sec. 3. Community school committees; representatives; how elected; tenure of office; salaries; organization; vacancies. The town of Ashland shall have 3 members on the committee and shall have the power of veto it now holds; the town of Masardis shall have 2 members on the committee; the town of Portage Lake shall have 2 members on the committee; the plantation of Garfield shall have 1 member on the committee; the plantation of Nashville shall have 1 member on the committee; the plantation of Oxbow shall have 1 member on the committee. The present 3 members of the school committee of the town of Ashland shall become members of the community school committee when the aforementioned school district shall come into being and elections to fill vacancies from the town of Ashland of the members whose regular term shall expire shall be consummated at Ashland's regular town meeting. The board of councilors of Masardis shall designate 2 members of the present school committee to serve on the community school committee; and by lot the councilors shall determine one of the members to serve for a period of 1 year and one for a period of 2 years, and thereafter vacancies shall be filled at the regular town meeting. The councilors of Portage Lake shall designate 2 members of the present school committee to serve on the community school committee; and by lot the councilors shall determine one of the members to serve for a period of 1 year and one for a period of 2 years, and thereafter vacancies shall be filled at the regular town meeting. The board of assessors of Garfield shall designate 1 member of the present school committee to serve on the community school committee for a period of 1 year, and thereafter the vacancy shall be filled at the regular town meeting. The

board of assessors of Nashville shall designate 1 member of the present school committee to serve on the community school committee for a period of 1 year, and thereafter the vacancy shall be filled at the regular town meeting. The board of assessors of Oxbow shall designate 1 member of the present school committee to serve on the community school committee for a period of 1 year, and thereafter the vacancy shall be filled at the regular town meeting. It is intended that the tenure of office for the members of the community school committee for the town of Ashland shall be one for 1 year, one for 2 years, and one for 3 years, and thereafter members shall serve for a term of 3 years. It is intended that the tenure of office for the members of the community school committee for the town of Masardis shall be 2 years after 1 member's first term who shall serve for 1 year; it is intended that the tenure of office for the members of the community school committee for the town of Portage Lake shall be for 2 years after 1 member's first term who shall serve for 1 year; it is intended that the tenure of office for the member of the community school committee for the plantation of Garfield shall be for 1 year; it is intended that the tenure of office for the member of the community school committee for the plantation of Nashville shall be for 1 year; and it is intended that the tenure of office for the member of the community school committee for the plantation of Oxbow shall be for 1 year.

The salaries of the community school committee shall be determined by the voters of the respective towns at their annual meetings and shall be paid by their respective towns out of the town officers' account.

The community school committee shall, for organization purposes, meet as soon as it is convenient, but not more than 60 days after four or more of the towns have accepted the terms of this act. At this original meeting a chairman and a treasurer shall be elected whose term shall expire the following June 30th; and annually thereafter a chairman and a treasurer shall be elected whose term shall be 1 year each. The treasurer shall give bond to the district in such sum and with such sureties as said committee may determine, which bond will remain in the custody of the chairman, the expenses of such bond shall be paid by the district.

The superintendent of schools shall ex officio become the secretary of this board. Any vacancy upon the community school committee occurring because of change of residence, resignation, death or any cause other than the normal expiration of term of office shall be filled until the next annual meeting by appointment by the councilors or assessors of the respective towns wherein the vacancy occurs.

Sec. 4. Scholastic powers and duties of the community school committee. The community school committee of the Ashland Area Community School District shall have the same powers to operate and control the proposed community school as are vested in the superintending school committees by virtue of the laws relating to the public schools of Maine.

Sec. 5. Financial powers of the community school committee. To procure funds for the purpose of this act the community school committee is hereby empowered to issue bonds and notes either for purchasing of land, equipment, constructing, repairing, renewing or operational purposes. In no case shall said bonds or notes be issued for a longer period than 20 years nor for a sum larger than \$80,000. Each bond and note shall have inscribed upon its face the words, "Ashland Area Community School District," shall bear interest at such rates as the community school committee shall determine, payable semiannually, and shall be subject to such other provisions as the community school committee shall determine, but none of which shall run for a longer period than 20 years from the date of original issue thereof. All bonds and notes issued by said district shall be signed by the treasurer and countersigned by the chairman of said district, and if coupon bonds be issued, each coupon shall be attested by the facsimile signatures of the chairman and treasurer printed thereon. All bonds and notes issued by said district shall be callable at any interest date. Said bonds and notes 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 and notes shall be legal investments for trust companies and 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.

Sec. 6. Sinking fund; refunding bonds provided for. In case any bonds or notes at any time issued are made to run for a period of years (as distinguished from serial maturity), the community school committee shall establish a sinking fund for such bonds or notes for the purpose of redeeming the same when they come due. The amount to be paid annually into such a sinking fund shall not be less than 2½% of the total principal amount of such bonds or notes originally issued. In addition to such annual sinking fund payment, the community school committee 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 trust company or savings bank 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 community school committee may determine. Interest received on any funds so invested shall be added to the sinking fund. Where 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 community school committee, to redeem the bonds or notes for the benefit of which such sinking fund was established, all further payments to such sinking fund shall cease.

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

In case the amount in any sinking fund not be sufficient to pay the total amount when due of the bonds or notes for which such sinking fund was provided, or in case it shall be desirable in the opinion of the community school committee to call for redemption any outstanding bonds or notes and to issue new bonds or notes in their stead, authority is hereby granted to said district to issue new bonds or notes sufficient in amount to pay or redeem so many of said original bonds or notes as cannot be paid or redeemed from the sinking fund provided therefor, if any, but in no case shall such new bonds or notes mature more than 25 years from the original date of issue of the original bonds or notes so refunded.

Sec. 7. Assessment of taxes authorized to meet indebtedness; how collected; procedure. The community school committee of the "Ashland Area Community School District" shall determine what sum is required each year for sinking fund payments, or if the bonds or notes authorized by this act shall be issued to mature serially, what sum is required each year to meet the bonds and notes 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 the state for taxes, with proper changes, to the assessors of the towns of Ashland, Masardis, and Portage Lake and

the plantations of Garfield, Nashville and Oxbow, 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 towns of Ashland, Masardis, and Portage Lake and plantations of Garfield, Nashville, and Oxbow, 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 towns shall pay the amount of the tax so assessed against said district to the treasurer of said district. In case of a failure on the part of the treasurers of the towns to pay said sum, or in case of their failure to pay any part thereof on or before said 31st day of December of the year in which said tax was 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 Aroostook 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. 8. Municipal capital contributions. For the purpose of creating capital, for the acquiring of land, erecting of school buildings, and providing conveyance equipment, the towns shall make investments proportional to their state valuations.

Sec. 9. Acceptance of towns; effective date of act. This act shall not take effect unless accepted and approved by a majority vote of the legal voters within each respective town, voting at a regular election or one especially called and held for the purpose, by the municipal officers of each town, Ashland, Portage Lake, Masardis, Garfield, Nashville, and Oxbow, at its regular place for holding town meetings; the date of holding said elections to be determined by the municipal officers of each respective town but in no case shall be more than 3 months after this act shall become effective. Each special election or regular town meeting shall be called, advertised and conducted according to the law relating to municipal elections; provided, however, that the assessors and councilors in the respective towns and plantations 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 assessors or councilors shall be in session in their respective towns and plantations one hour preceding such town meetings.

The town clerks in each respective town and plantation shall reduce the subject of this act to the following question: "Shall the act to create the Ashland Area Community School District, be accepted?" and the voters shall indicate by secret ballot by the words "yes" or "no" their opinion of the same. The results in said towns and plantations shall be declared by the municipal officers of the towns of Ashland, Portage Lake, and Masardis and of the plantations of Garfield, Nashville and Oxbow and returns filed with the secretary of state. Provided, however, when at least 4 or more towns shall have accepted the terms of this act the school committees of accepting towns shall assemble and decide upon an actual and convenient date when the Ashland Area Community School District shall come into being; provided further, that any town not voting to enter the school district shall not be bound by the terms of this act.

Sec. 10. Fiscal year; operational costs; collecting of operational costs.

The fiscal year for the Ashland Area Community School District shall be from July 1st until June 30th of the following year. The operational costs to each town for maintaining schools in said district shall be in proportion to the number of pupils attending school from each respective town. Provided that at least 30 days before Ashland, Portage Lake, Masardis, Garfield, Nashville and Oxbow's annual town meeting the community school committee of the Ashland Area Community School District shall submit a tentative budget for the ensuing year to each respective town, to be collected as provided in section 7.

Sec. 11. Authorization of community school committee. The community school committee shall have power to accept gifts, grants or devices to be used for school purposes in this district. Also, said community school committee shall have the power to make by-laws to facilitate the operation of the proposed school as long as these by-laws are not repugnant to the terms of this act or to the laws of the state.

Sec. 12. Provisions for termination of the school district. When any one town decides to withdraw from this school district, it must decide affirmatively to do so by a majority of the legal voters in said town in a special meeting called for that purpose or a regular town meeting, and by giving the remaining town or towns a 2 years' notice of their intent to withdraw; provided the withdrawing town may claim and demand its proportional share of its capital investment plus its proportional unexpended operational balances from the school maintenance, repair, vocational education, insurance and equipment accounts.

Sec. 13. Saving clause. It is the intent of this act to pool the resources of 6 small towns and cause to be built a building with facilities that will offer a much broader educational program to the boys and girls than can be financed by any one of the several towns. Said building is to house all pupils in grades 7 to 12 in the district. The school is to be operated as if owned by 1 town and said operation and control is to conform to all the school laws of the state of Maine.

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