

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. 1301

H. P. 1627

House of Representatives, March 14, 1947

Transmitted by the revisor of statutes pursuant to joint order

Referred to the Committee on Legal Affairs, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Benn of Smyrna.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-SEVEN

AN ACT Creating a School District for the Oakfield-Merrill-Smyrna-Dyer Brook Community.

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

Sec. 1. Incorporation; name; purposes. Subject to the provisions of this act, the inhabitants of and the territory within the towns of Oakfield, Merrill, Smyrna and Dyer Brook, and any other towns in the immediate vicinity, or such of them as shall by vote of their inhabitants join therein, are hereby created a body politic and corporate under the name of "Oakfield-Merrill-Smyrna-Dyer Brook Community School District" for the purpose of acquiring property within said district for school and related athletic and recreational purposes; for the purpose of erecting, enlarging, repairing, equipping and maintaining on said property a school building or buildings and related athletic and recreational facilities; for the purpose of completing, grading, furnishing, rebuilding, renovating and otherwise bettering the condition of any or all buildings within said district used for school purposes or which may hereafter be used for school purposes; 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; for the purpose of organizing

and maintaining said community school; all for the benefit of the inhabitants of said community.

Sec. 2. Community school committee; powers, duties, limitations. All the affairs of said district, including the election of teachers who shall serve in said community school and the fixing of their salaries, the courses of study, the terms of school and all other matters pertaining to the education of pupils, shall be managed by a community school committee of not more than 11 members, apportioned as follows: The representation of each town shall be in approximately the same ratio to the total membership of the committee as the town's enrolment is to the enrolment in the community school; provided, however, that no town shall have less than 1 nor more than 3 representatives on the committee. Said community school committee, acting for the 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, and shall have the right and authority to employ and fix the compensation of such officers and agents as they may deem necessary for the proper conduct and management of the affairs of the district.

Sec. 3. Community school committee; how elected, tenure of office, organization of committee, officers, vacancies, compensation. The superintending school committee of each town shall choose from its membership the representation on the community school committee to which that town is entitled as provided in section 2 and membership on the community school committee shall be coterminous with the member's term of office on the superintending school committee of the town which he represents. Vacancies shall be filled by the school committee of the town in whose representation the vacancy occurs. Adjustments in the representation of the several towns shall be made whenever changes in the enrolment from the individual towns make the existing representation in conflict with the provisions of section 2. The committee shall at its first meeting, and annually in April thereafter, choose by ballot from its membership a chairman and a treasurer. The treasurer shall be custodian of all funds accruing to the district and shall pay all bills when properly attested by the superintendent of schools and signed by the chairman of the committee. Such treasurer shall give bond to the community school committee to the satisfaction of the members thereof. The cost of such bond shall be borne by the district. The treasurer may, by vote of the committee, receive compensation for his services.

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 pur-

poses, the said district is hereby authorized from time to time to borrow money and to issue its bonds and notes therefor, but shall not incur a total indebtedness exceeding the sum of \$150,000 at any one time outstanding. Each bond and note shall have inscribed upon its face the words "Oakfield-Merrill-Smyrna-Dyer Brook 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 said school committee shall determine. Said bonds and notes may be issued to mature serially or made to run for such periods as said community school committee 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 and notes issued by said district shall be signed by the treasurer and countersigned by the chairman of said committee, and if coupon bonds be issued, each coupon shall be attested by the facsimile signatures of the chairman and treasurer printed thereon. 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 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. 5. 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 become due. The amount to be paid annually into such 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 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 committee may determine. Interest received on any funds so invested shall be added to the sinking fund. When and if the amount ac-

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 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 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 shall not be sufficient to pay the total amount when due of the bonds and notes for which such sinking fund was provided, or in case it shall become desirable in the opinion of the 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 refund 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 40 years from the original date of issue of the original bonds or notes so refunded.

Sec. 6. Assessment of taxes authorized to meet indebtedness; how collected; procedure. The community school committee of the "Oakfield-Merrill-Smyrna-Dyer Brook 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 state for taxes, with proper changes, to the assessors of the towns comprising the district, 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, 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 treasurers 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 treasurer of any

town 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 is 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 community school committee of said district in relation to the collection of taxes within said district.

Sec. 7. Authority to receive property. The "Oakfield-Merrill-Smyrna-Dyer Brook Community School District" is hereby authorized to receive from any of the towns in said district, and said towns are hereby authorized to transfer and convey to said district, any property, real, personal or mixed, now or hereafter owned or held by them for school purposes, and any sums of money or other assets which the said towns have 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 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.

Sec. 8. Referendum. This act shall not take effect unless and until accepted and approved by a majority vote of the legal voters of 2 or more towns in 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. Such special meeting or annual town meeting shall be held not later than 3 years after the approval of this act. In the event a special meeting is called for the purpose, it shall be called, advertised, and conducted according to the law relating to municipal elections; provided, however, that the boards of registration in said towns shall not be required to prepare for posting, or the town clerks to post, a new list of voters, and for the purpose of registration of voters, said boards 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 up their records of said sessions. The town clerks shall prepare the required ballots on which they shall reduce the subject matter of this act to the following question: "Shall the Act Creating the

Oakfield-Merrill-Smyrna-Dyer Brook Community 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 towns, and due certificate filed by the town clerks with the secretary of state.