

MAINE STATE LEGISLATURE

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Legislative Document

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H. P. 1733

House of Representatives, April 28, 1947

Reported by Mr. Rankin from the Committee on Legal Affairs and
printed under Joint Rules.

HARVEY R. PEASE, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-SEVEN

**AN ACT to Provide for the Joining of Towns for the Purpose of
Providing Better School Facilities.**

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

R. S., c. 37, §§ 92-A - 92-K, additional. Chapter 37 of the revised statutes is hereby amended by adding thereto 11 new sections to be numbered 92-A to 92-K, inclusive, to read as follows:

'Sec. 92-A. Formation of community school districts, authorized. The inhabitants of two or more towns may form a secondary community school district which shall be a body politic and corporate by proceeding as follows: the municipal officers in each of the several towns may call a meeting of the inhabitants of their respective towns in the manner provided by law for the calling of town meetings, and at such meetings shall vote on articles in substantially the following form:

Article To see if the town will vote to join with the towns of (naming them) to form a secondary school district to be known as ". Community School District."

Article To see if the town will vote that the district be authorized to acquire and hold property of a value not in excess of \$.

Article To see if the town will vote to authorize said community school district from time to time to borrow money and to issue its bonds and notes therefor in an amount not in excess of \$. for the purpose of constructing and equipping a community school building, and other purposes of the district.

The clerk in each of the several towns shall file a return of such votes with the secretary of state.

Sec. 92-B. Organization; compensation. When two or more towns have voted to form a community school district, as provided in the preceding section, the municipal officers of each of the towns in the proposed school district shall appoint 3 persons to be incorporators of said proposed school district and shall become trustees of said district. Said 3 trustees shall be appointed, one for 1 year, one for 2 years and one for 3 years, and thereafter 1 each year shall be elected by the voters, annually, for a term of 3 years. Vacancies shall be filled by appointment by the selectmen until the next annual town meeting.

When the corporation is thus organized, the trustees shall make a return to the secretary of state setting forth the fact of the organization of the district, the names of the trustees and the officers thereof, the amount of property it is authorized to acquire and hold, and the amount of its borrowing power.

Sec. 92-C. Duties of trustees. The trustees so appointed, as soon as convenient thereafter, shall meet upon call of one of their number after reasonable notice. All the affairs of said district, except election of teachers who shall serve in said school and the fixing of their salaries, the courses of study, the terms of school and other matters pertaining to the education of pupils, which matters shall be controlled by a community school committee hereinafter provided for, shall be managed by said board of trustees.

The trustees shall serve without compensation, except the treasurer may receive for his services an amount to be fixed by the board of trustees not to exceed \$100 per year. The treasurer shall give a bond to the district in such sum and with such sureties as the trustees may determine, which bond shall be deposited with the chairman. The expense of such bond shall be paid by the district. The treasurer's salary, bond premium, and all expenses of the district shall be paid from the funds of the district. At the close of the 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 building or buildings, and also such other matters 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 town.

Sec. 92-D. Power to borrow money. To procure funds for authorized purposes of the district, the said district is hereby authorized to issue its bonds and notes, but shall not incur a total indebtedness in excess of 5% of the total valuation of all of the participating towns. Each bond shall have inscribed upon its face the words: "..... Community School District" and shall bear interest at such rates as the trustees shall determine, payable semiannually. Said bonds shall be made to mature serially, but none shall run for a longer period than 25 years. All notes or bonds 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 a facsimile signature of the treasurer printed thereon. Said notes and 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.

Sec. 92-E. How financed. The trustees of the "..... Community School District" shall within 90 days after authorization by vote of the participating towns as provided in section 92-A and thereafter annually before April 1st of each year determine the sum required each year to meet the bonds falling due and what further sum is necessary to meet the interest on said bonds or other obligations, and all other expenses necessary for the operation of the district. The trustees shall thereupon issue their warrants, in substantially the same form as the warrant of the treasurer of state for taxes, to the assessors of each participating town, requiring them to assess upon the taxable polls and estates within said town an amount in proportion to the total sum required each year as that town's valuation bears to the total valuation of all the participating towns and to commit the assessment to the constable or collector of said town who shall have all the authority and powers to collect said taxes as is in him 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 each town shall pay the amount of the tax so assessed against his said town to the treasurer of the district. In the case of the failure on the part of the treasurer of said town to pay said sum or any part thereof on or before said 31st day of December in the year in which said tax is levied, the treasurer of the district may issue his warrant for the amount of said tax or so much thereof as shall then remain unpaid to

the county sheriff requiring him to levy by distress and sale on the real and personal property of any of the inhabitants of such defaulting town and the sheriff or any of his deputies shall execute said warrant except as otherwise herein provided. 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 such town or plantation.

Sec. 92-F. Organization of community school committee; powers. A community school committee shall consist of not more than 9 members, the total number to be determined by the trustees of the district. The representation of each town shall be in approximately the same ratio to the total membership of the committee as the town's enrollment is to the enrollment in that school; provided, however, that no town shall have less than 1 nor more than 3 representatives on the committee. 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 above provided and membership on the community 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 enrollment from the individual towns make the existing representation in conflict with the provisions of this section. The committee shall at its first meeting and annually in April thereafter choose by ballot from its membership a chairman and a secretary. The community school committee shall have all the powers and duties with respect to the community school conferred upon superintending school committees under the general statutes and those enumerated in section 92-C herein.

Sec. 92-G. Definition of secondary school. "Secondary schools" as used herein may include grades 7 and 8, as well as grades 9 to 12.

Sec. 92-H. Application of general law. Community schools as herein provided when established may be considered the official secondary schools of the participating towns and all provisions of the general law relating to public education shall apply to said schools.

Sec. 92-I. Transportation. Transportation shall be provided by the community school committee in the same manner as is provided for transportation of elementary school pupils in section 8, the expenditures for transportation to be considered an expense of operation of said school.

Sec. 92-J. Superintendent of schools. The superintendent of the community school shall be selected by the community school committee and shall have the same duties, powers and responsibilities with respect to said school and its committee as are prescribed by law for public school superintendents.

Sec. 92-K. Participating towns; withdrawal. Towns not originally in the participating group of towns may be included upon vote of all the towns concerned in the same manner as is prescribed for the establishing of the community school, under such terms and arrangements as may be recommended by the community school trustees and approved by such vote, provided the cost to applying towns shall be based on a fair valuation as determined by the state board of equalization.

When any one town decides to withdraw from the community school district, it must decide affirmatively to do so by a $2/3$ vote of the legal voters in said town present and voting at a special town meeting called for that purpose, and by giving to the community school district a 2-year notice of their intent to withdraw; provided the withdrawing town may claim and demand a share equal to 50% of the equity in its capital investment after deduction of depreciation costs; provided further, that the remaining towns in the district shall assume and be liable for the outstanding indebtedness of the district notwithstanding the provisions of section 92-D. The superior court in equity shall have jurisdiction for the enforcement of the provisions of this section.'