

MAINE STATE LEGISLATURE

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N I N E T Y - F O U R T H L E G I S L A T U R E

Legislative Document

No. 58

H. P. 182

House of Representatives, January 19, 1949

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

HARVEY R. PEASE, Clerk

Presented by Mr. Knapp of Yarmouth.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-NINE

AN ACT to Incorporate the Town of North Yarmouth School District.

Emergency preamble. Whereas, the present buildings which house the schools of the town of North Yarmouth are overcrowded, inadequate and unsafe; and

Whereas, it is imperative that action be taken at the earliest possible moment to relieve these conditions; and

Whereas, new building construction is vitally necessary; and

Whereas, it is very desirable that this matter be acted upon by the voters at the annual town meeting in March, 1949; and

Whereas, if this act cannot be voted upon until 90 days after the adjournment of the legislature, construction will be held up for another year; 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. Town of North Yarmouth School District, incorporated. Subject to the provisions of section 8 hereof, the inhabitants of the town of

North Yarmouth shall constitute a body politic and corporate under the name of the "Town of North Yarmouth School District" for the purpose of acquiring land within the said town for school purposes; and erecting, equipping and maintaining on said land a building or buildings to be used for school purposes; with the right to lease or let said property to said town; all for the benefit of the inhabitants of said town.

Sec. 2. How managed. All the affairs of said district, as are herein provided shall be managed by a board of trustees composed of 5 members who shall be elected as is hereinafter provided.

Sec. 3. Trustees; how chosen; organization; compensation. All the affairs of said district as are herein provided shall be managed by a board of trustees composed of 5 members who shall hold office for the period of 5 years from the date of their appointment except as hereinafter provided for. These 5 trustees shall be chosen by a regular or special town meeting as soon as may be after the passage of this act as hereinafter provided. The Trustees shall be property owners in the town of North Yarmouth and shall be elected for the following terms: one for 5 years; one for 4 years; one for 3 years; one for 2 years; and one for a 1-year period, provided 5 are to be chosen. Removal from the town of North Yarmouth by any trustees or disposal of all his taxable property located in said town shall ipso facto vacate his office. Vacancies upon the board of trustees occurring because of expiration of the official term of 5 years, removal from town, resignation, death, or any cause shall be filled in the same manner in which the original board was chosen.

The members of the board, as soon as convenient after they have been chosen as above provided, shall meet upon call of one of their number after such reasonable notice as he shall deem proper. They shall elect from their membership, a president, clerk, and treasurer, adopt a corporate seal and do all other acts, matters, and things necessary to perfect their organization.

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 president. 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 buildings, and also 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 town who shall have this report printed and distributed in or with the annual town report.

Sec. 4. How financed. To procure funds for the purposes of this act and such other expense as may be necessary for the carrying out of said purposes, the said trustees of the district are hereby authorized to issue its bonds and notes, but shall not incur a total indebtedness exceeding the sum of \$60,000. Each bond shall have inscribed upon its face the words: "Town of North Yarmouth School District" and shall bear interest at such rates as the trustees shall determine, payable semi-annually. 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. All notes or bonds issued by said district shall be signed by the treasurer and countersigned by the president of the district, and if coupon bonds are issued each coupon shall be attested by a facsimile signature of the president and treasurer printed thereon. The said trustees of the district are hereby further authorized and empowered to accept gifts and grants and to enter into any agreement with the federal government or any corporation or board authorized by the federal or state government to loan money or otherwise assist in the financing of such projects as this school district is authorized to carry out.

Sec. 5. Sinking fund. In case said bonds are made to run for a period of years a sinking fund shall be established by the trustees of said district for the purpose of redeeming said bonds when they become due, and not less than 2% of the total cost of the school building and its appurtenances, and the expenses incidental to the carrying out of the purposes of this act, shall be added to said sinking fund each year, which may be deposited in a savings bank within the state or may be invested in any United States Government bonds, state bonds or the bonds of any political subdivision thereof as the trustees may determine. Whenever any bonds issued by said district become due or can be purchased by said trustees on favorable terms, said trustees shall, if sufficient funds have accumulated in said sinking fund, redeem or purchase said bonds and cancel them. In no case shall bonds so cancelled or redeemed be reissued. In case the amount in the sinking fund shall not be sufficient to pay the total amount of the bonds falling due at any one time, authority to issue new bonds sufficient to redeem so many of said bonds as cannot be redeemed from the sinking fund is hereby granted

to said district but in no case shall new bonds run beyond 30 years from the date of the original issue.

Sec. 6. Provisions for sinking fund. The trustees of the "town of North Yarmouth School District" shall determine the sum to be paid annually into the sinking fund, or, if the bonds authorized by this act shall be issued to mature serially, what amount 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 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 assessors of the town of North Yarmouth, requiring them to assess the sum so determined upon the taxable polls and estates within said district and to commit their assessment to the constable or collector of taxes of said town of North Yarmouth, 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 the failure on the part of the treasurer of the town 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 may issue his warrant for the amount of said tax or so much thereof as shall then remain unpaid, to the sheriff of Cumberland county, requiring him to levy his distress and sale on real and personal property of any of the inhabitants of said district, and the sheriff or either 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 law, is hereby vested in the trustees of said district in relation to the collection of taxes within said district.

Sec. 7. Authorization. The "Town of North Yarmouth School District" is hereby authorized to receive from the town of North Yarmouth, and the said town of North Yarmouth is hereby authorized to convey to said district the school land situated in the town of North Yarmouth and to turn over to said school district such sums of money as it may raise either by taxation or by bond issue for the purpose of constructing a centralized school building. Before conveyance of said land or turning over of said funds, the municipal officers shall be duly authorized to do so by a majority of the legal voters of said town, voting at a special meeting called for that purpose or at any regular town meeting. Said school district is hereby

authorized to accept gifts, grants, or devises for the purpose of constructing said centralized school building.

Sec. 8. Provisions for termination of the board of trustees. At such time as the school building 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 the duties, management, care and maintenance shall revert to the school board of the town of North Yarmouth or such other board as may, at that time, have jurisdiction over similar school property, and then the 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 town of North Yarmouth. All money, if any remaining in the treasury of the board of trustees at the time it ceases to function, shall be given to the town treasurer of the town of North Yarmouth. This money shall be used only for school purposes and shall be kept separate from all other money until authorized by the selection of the town of North Yarmouth to be expended as hereinbefore stated.

Emergency clause; referendum; effective date. In view of the emergency cited in the preamble hereof, this act shall take effect when approved, only for the purpose of permitting its submission to the legal voters of the town of North Yarmouth at any regular or special meeting called and held for the purpose not later than 1 year after the approval of this act. Such special meeting shall be called, advertised and conducted according to the law relating to municipal elections; provided, however, that the selectmen of the town of North Yarmouth 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 selectmen shall be in session the 3 secular days next preceding such meeting. The town clerk shall prepare the required ballots, on which he shall reduce the subject matter of this act to the following questions: "Shall the act to Incorporate the Town of North Yarmouth School District be accepted?" and the voters shall indicate by a cross or check mark placed over the words "Yes" or "No" their opinion of the same. This act shall take effect for all the purposes thereof immediately upon its acceptance by a majority of the legal voters voting at said meeting.

The result in said district shall be declared by the municipal officers of the town of North Yarmouth and due certificate thereof filed by the clerk of said town with the secretary of state.