

# 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

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Legislative Document

No. 139

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S. P. 116

In Senate, January 26, 1949.

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

CHESTER T. WINSLOW, Secretary.

Presented by Senator Larrabee of Sagadahoc.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-NINE

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AN ACT to Incorporate the Woolwich School District.

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**Emergency preamble.** Whereas, the schoolhouses which house the school pupils of the town of Woolwich are entirely inadequate for school purposes, are dilapidated, outmoded and unsanitary; and

Whereas, it is imperative that action be taken as soon as spring weather permits construction, to relieve this insufferable condition; and

Whereas, it will be impossible to raise the necessary finances by borrowing unless a school district is created; 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; powers.** Subject to the provisions of section 8 hereof, the inhabitants of and property in the town of Woolwich shall constitute a body politic and corporate under the name of the "Woolwich School District" for the purpose of acquiring land within the said town for school and related athletic and recreational purposes; for the purpose of erecting, repairing, enlarging, equipping and maintain-

ing on said land a school building or buildings, and for the purpose of maintaining a school or schools, with the right to lease or let said property to said town and to receive, accept and hold gifts, grants, bequests and devises of real or personal property to be used for school and related athletic and recreational purposes; all for the benefit of the inhabitants of said town. The property of said district, wherever located, shall be exempt from taxation. Said district, shall be independent of and separate from the government of the town of Woolwich and shall have sole control of and responsibility for the properties acquired by it for the purposes of this act. Said district is hereby authorized to receive from the town of Woolwich and said town is hereby authorized to transfer, convey and deliver to said district any property, real, personal or mixed, now or hereafter owned or held by said town for school purposes and any sums of money or other assets which said town has raised or may raise either by taxation, borrowing or otherwise, to be used by said district in carrying out the purposes of this act. Before transferring and conveying any of such property or turning over any of said funds or assets, the municipal officers of the town of Woolwich shall be duly authorized so to do by at least a majority vote of the legal voters present and voting at any regular or special town meeting, the call for which shall have given notice of the proposed action.

**Sec. 2. Trustees, powers and duties; limitations.** All the affairs of said district (except the selection of teachers who shall serve in said school and the fixing of their salaries, the courses of study, the terms of school and all matters pertaining to the education of pupils, which matters shall be controlled, as provided by law, by the superintending school committee of the town of Woolwich) shall be managed by a board of 3 trustees, resident therein, who shall be elected by ballot of the persons therein qualified to vote in town meetings as hereafter provided. The board of trustees, acting for said district, shall have and exercise all the powers and authority necessary to carry out the purposes of this act and the authorities and powers granted herein, including the powers to issue bonds of the district. They shall hold office for the term of 3 years and until their respective successors are chosen and qualified, except, however, as herein provided.

The first board of trustees shall be elected at a special meeting of the district called for the purpose following the acceptance of this act. Said special meeting shall be called in the manner provided in section 8 of this act for the calling of a special election therein referred to and at such meeting, from nominations there made, there shall be elected by ballot 3 trustees, 1 to serve until the 1st annual meeting of the district, 1 until the

2nd and 1 until the 3rd such meeting and until their respective successors are qualified. Thereafterward, 1 member shall be chosen at each annual meeting to serve for the term of 3 years and until his successor is qualified. If a vacancy occurs in said board more than 3 months before the date of the next succeeding annual meeting, a special meeting shall be called to fill the vacancy and all vacancies existing at the date of an annual meeting shall then be filled.

As soon as convenient after their election, the trustees shall hold a meeting at some convenient place in the district to be called by any member thereof in writing designating the time and place and delivered in hand to the other 2 members not less than 2 full days before the meeting; provided, however, that they may meet by agreement without such notice. They shall then organize by the election of a chairman, treasurer and clerk from their own number, adopt a corporate seal and by-laws and perform any other acts within the powers delegated to them by law. Thus organized, 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.

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 said district. At the close of the fiscal year (which shall be made to correspond with the fiscal year of the town of Woolwich) 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 other property, 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, signed by the trustees and filed with the municipal officers of said town.

**Sec. 3. How financed.** To procure funds for the purposes of this act and such other expenses as may be necessary to the carrying out of said purposes, the said district is hereby authorized to issue, from time to time, its bonds not to exceed in the aggregate the sum of \$100,000. 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 provisions of said section shall be appli-

cable thereto. Each bond shall have inscribed upon its face the words: "Woolwich School District" and shall be dated at such time, be in such denominations, be payable in such annual installments, bear such rate of interest, not exceeding 5% per year, payable semi-annually, and shall be in such form, subject to the provisions hereof, and be sold in such manner, at public or private sale, as said trustees shall determine. Each issue of said bonds shall mature serially in substantially equal annual installments for such periods as said trustees may determine, but the last installment shall be payable not later than 20 years from the date thereof. Bonds issued by said district shall bear the seal of the district, be signed by the treasurer and countersigned by the chairman of the district, and if coupon bonds be issued, each coupon may be attested by a facsimile signature of the treasurer printed thereon. Any premium received from the sale of said bonds, less the cost of preparing, issuing and marketing them, shall be used to pay the principal of the first of said bonds to mature. All bonds of the said district hereinafter issued under the terms of this act shall be legal for savings banks.

**Sec. 4. Provisions for payment of bonds and other expenses.** The trustees of the "Woolwich School District" shall determine what amount is required each year to meet payments of principal of and the interest on said bonds (including the estimated cost of paying interest on and principal of bonds not then issued but expected to be issued within such year) and other necessary expenses of the district, and shall each year, before the 1st day of April, issue their warrant in the same form as the warrant of the state treasurer for taxes, with appropriate changes, to the assessors of the town of Woolwich, 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 said town of Woolwich, 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 Sagadahoc 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 law, is hereby vested in the trustees of said district in relation to the collection of taxes within said district.

**Sec. 5. Provision 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 of the duties, management, care and maintenance shall revert to the school board of the town of Woolwich or such other board as may, at that time, have jurisdiction over similar school property, and the then chairman 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 Woolwich. 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 Woolwich. 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 Woolwich to be expended as hereinbefore stated.

**Sec. 6. Annual meeting.** The annual meeting of the district shall be held in the district on the 1st Monday in March in each year at such hour and place as may be designated by resolution of the board of trustees as provided in the by-laws. Notice thereof, signed by the chairman or clerk of the board, shall be conspicuously posted in 2 public places within the district, not less than 7 days before the meeting. Special meetings may be called by the board in like manner at any time, and notice of special meetings shall state the business to be transacted thereat. Eleven persons qualified to vote in such meetings shall constitute a quorum. If for any reason an annual meeting is not held on the above date, a meeting in lieu thereof may be called in like manner to be held within 3 months from said date.

All persons resident in said district and qualified to vote for governor under the laws of this state shall be entitled to vote in any meeting of this district, including the meeting for acceptance of this charter.

**Sec. 7. Powers of trustees re meetings.** The trustees when elected and qualified shall have the same powers and perform the same duties as otherwise are exercised and performed by the selectmen of towns in correcting and preparing lists of the persons qualified to vote in said district, and for that purpose they shall be in session at the office of the school district be-

tween the hours of 10 o'clock A. M. and 12 o'clock M. of the secular day next preceding the date of every meeting; and 2 hours next before the opening of the meeting; and notice thereof shall be given in the call for the meeting. All meetings of the district shall be presided over by a moderator chosen in the same manner and with the same authority as moderators for town meetings.

**Sec. 8. Emergency clause; effective date; referendum.** In view of the emergency cited in the preamble, this act shall take effect when approved, only for the purpose of permitting its submission to the legal voters of the territory embraced within the limits of said district, at an election specially called and held for the purpose not later than 4 months after the approval of this act. Such special election shall be called, advertised and conducted according to the law relating to municipal elections; provided, however, that the board of registration in said town of Woolwich 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 election, the first 2 days thereof to be devoted to registration of voters, and the last day to enable the board to verify the corrections of said lists and to complete and close up their records of said sessions. The town clerk shall reduce the subject matter of this act to the following question: "Shall the act to incorporate the Woolwich School District be accepted?" which question shall be inserted in the warrant. The vote may be taken viva voce or in any other manner agreeable to the meeting. If a majority of those present and voting shall vote on said question in the affirmative, this act shall be considered accepted and approved. The result of the vote of said district shall be declared by the municipal officers of the town of Woolwich and certificate thereof filed by the town clerk with the secretary of state.