

MAINE STATE LEGISLATURE

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NINETY-FOURTH LEGISLATURE

Legislative Document

No. 291

H. P. 749

House of Representatives, February 2, 1949.

Referred to Committee on Legal Affairs, sent up for concurrence and 1000 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Larrabee of Westbrook.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-NINE

AN ACT to Incorporate the City of Westbrook School District.

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

Sec. 1. City of Westbrook School District, incorporated; purposes. Subject to the provisions of sections 7 and 9 hereof, the inhabitants and territory within the city of Westbrook are hereby created a body politic and corporate under the name of "City of Westbrook School District" for the purposes of providing additional school facilities in said district; erecting and constructing a new high school building and one or more elementary school buildings upon land provided and secured for school purposes in said city of Westbrook, with the authority to exercise the right of eminent domain if necessary to secure such land, all sites, building plans, etc. to be subject to approval of the school committee; providing and maintaining related athletic and recreational facilities; equipping and maintaining said buildings and grading the grounds about the same; 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; leasing or letting any property of said district to said city, all for the benefit of the inhabitants of said city. All property of said district, wherever located, shall be exempt from taxation.

Sec. 2. Trustees, powers and duties; limitations. All the affairs of said district shall be managed by a board of 5 trustees who shall be elected as is hereinafter provided. This board of trustees, acting for said 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. All trustees shall be legal residents of the city of Westbrook.

Sec. 3. Trustees, how chosen; tenure of office; organization of board; officers; vacancies; compensation; reports. As soon as may be after the acceptance of this act, 2 trustees shall be appointed by the city council, 1 for a term of 2 years and 1 for a term of 3 years; 2 trustees shall be appointed by the school committee, 1 for a term of 1 year and 1 for a term of 4 years; and the 5th trustee shall be appointed for a term of 5 years by the joint action of the above-named 4 trustees. The superintendent of schools of the city of Westbrook shall be an ex officio member of the board of trustees and shall act as secretary of the board.

As the terms of the trustees expire, a trustee shall be elected for a term of 5 years by the voters at large on a non-partisan ballot requiring a 50-name petition in nomination to be filed 14 days at least before election, exclusive of Sundays and holidays.

Vacancies occurring for any reason shall be filled until the next regular election by appointment by the remaining trustees, whereupon election for the remainder of the term shall be completed in the same manner as provided for regular election upon the expiration of terms. Removal from the city of Westbrook of any trustee shall ipso facto vacate his office.

The 1st meeting of the board of trustees shall be held as soon as convenient after they have been appointed as above provided. At this original meeting, they shall elect from their membership a president and a treasurer, shall adopt a corporate seal, may ordain and establish such by-laws consistent with the laws of the state as are necessary for their own convenience and the proper management of the affairs of said district, and may do all other acts, matters and things necessary to perfect their organization. Within 2 weeks following January 1, the trustees shall meet for the purpose of electing a president and treasurer for the ensuing year and until their successors are elected and qualified. The trustees shall have the right and authority to employ and fix compensation of 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 that the treasurer may receive for his services an amount to be fixed by the board of trus-

tees not in excess of \$100 per year. The treasurer shall give bond to the district in such sum and with such sureties as the trustees may determine, which bond shall remain in the custody of the president. 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 each fiscal year of said district (which shall coincide with the fiscal year of the city of Westbrook) the trustees shall make a detailed report of their doings, of the financial condition of said district, of the physical condition of its property, and also of 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 trusts. Such report shall be made and filed with the municipal officers of the city of Westbrook on or before March 1 of each year.

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 purposes, the said district is hereby authorized to issue its bonds and notes, but shall not incur a total indebtedness exceeding the sum of \$750,000. Each bond and note shall have inscribed upon its face the words "City of Westbrook School District," shall bear interest at such rates as the trustees shall determine, and shall be subject to such other provisions as the trustees shall determine. Said bonds and notes shall be issued to mature serially, but none of which shall run for a longer period than 30 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 president of said district, and if coupon bonds be issued, each coupon shall be attested by the facsimile signatures of the president and treasurer printed thereon. All bonds and notes, other than serial bonds, 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 state or federal government, or any agency thereof, or any corporation or board authorized by the federal government or state 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 trustees 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 be not less than $3\frac{1}{2}\%$ of the total principal amount of such bonds or notes originally issued. In addition to such annual sinking fund payment, the trustees 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 trustees may determine. Interest received on any funds so invested shall be added to the sinking fund. When 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 trustees, 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 trustees, 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 or notes for which such sinking fund was provided, or in case it shall become desirable in the opinion of the trustees 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 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 trustees of the "City of Westbrook 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 City of Westbrook, 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 city of Westbrook, 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 case of a failure on the part of the treasurer of the city to pay said sum, or in 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 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 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. 7. Provisions for termination of board of trustees. At such time as the school building or buildings and related athletic and recreational facilities 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 of the property of said district shall revert to the school board of the city of Westbrook or such other board as may at the time have jurisdiction over similar school property, and the then president and treasurer of said district shall cause to be executed, signed and delivered, a good and sufficient deed of all the property of said district at the time said trustees cease to function, shall be given to the city treasurer of the city of Westbrook. This money shall be used only for school purposes and be kept separate from all other money until authorized by the city council of the city of Westbrook to be expended for one or more of the purposes stated in this act.

Sec. 8. Authority to receive property from city of Westbrook. The city of Westbrook School District is hereby authorized to receive from the city of Westbrook, and said city of Westbrook is hereby authorized to transfer and convey to said district, any property, real, personal or mixed, now or hereafter owned or held by the city of Westbrook for school purposes, and any sums of money or other assets which the said city of Westbrook has raised or may raise, either by taxation, borrowing or otherwise, for school purposes.

Sec. 9. Referendum; effective date. This act shall take effect 90 days after the adjournment of the legislature, only for the purpose of permitting its submission to the legal voters of the territory embraced within the limits of said district at a special election to be held not later than November 1, 1949. 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 city of Westbrook shall not be required to prepare for posting, or the city 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 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 said list and to complete and close up their records of said sessions. The city clerk shall prepare the required ballots on which he shall reduce the subject matter of this act to the following question: "Shall the act to incorporate the City of Westbrook 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. The result in said district shall be declared by the municipal officers of the city of Westbrook, and due certificate filed by the city clerk with the secretary of state.