

MAINE STATE LEGISLATURE

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NEW DRAFT OF H. P. 183—L. D. 59

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. 308

H. P. 889

House of Representatives, February 2, 1949.

Reported by Mr. Atherton from Committee on Legal Affairs. Printed under Joint Rule No. 10.

HARVEY R. PEASE, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-NINE

AN ACT to Incorporate the Town of Penobscot School District.

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

Emergency preamble. Whereas, the present school buildings in the town of Penobscot are out-moded, inadequate to the needs of the town and in need of immediate repair and replacement; and

Whereas, the lighting and sanitary conditions in all these buildings are entirely inadequate; 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, in the judgment of the legislature, these facts create an emergency within the meaning of the constitution of Maine and require the fol-

lowing 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. The inhabitants of the town of Penobscot and the territory within, subject to the provisions of this act, shall constitute a body politic and corporate under the name of the "Town of Penobscot School District" for the purpose of providing additional school facilities within said district, for the purpose of erecting and constructing a new school building upon land provided and secured for school purposes, and located in said town of Penobscot, and for the further purposes of equipping and maintaining said building and grading the grounds about the same, all as hereinafter provided and for the benefit of the inhabitants of the said district.

Sec. 2. Trustees; how chosen; organization; compensation. All the affairs of said district, except the election of teachers who shall serve in said town of Penobscot schools and the fixing of their salaries, the courses of study, the terms of school and all other matters pertaining to the education of pupils, which matters shall be controlled by the school board of the town of Penobscot, shall be managed by a board of 5 trustees, who shall hold office for a period of 5 years from the date of their appointment. Said trustees shall be chosen by the municipal officers of the town of Penobscot as soon as may be after the passage of this act as hereinafter provided. Removal from the town of Penobscot by any trustee 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 by the municipal officers of the town of Penobscot 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. At the 1st meeting, the trustees so appointed shall determine by lot the term of office of each trustee, so that 1 trustee shall retire each year and the term of office of the first trustee to expire shall end at the close of the municipal year of the town of Penobscot following the acceptance of this act. And thereafter the term of office of a trustee shall expire and his successor shall be appointed by the municipal officers of the town of Penobscot at the close of each municipal year of said town. They shall then 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. Thus or-

ganized, 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. 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 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, 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.

Sec. 3. Bond issue authorized; temporary loans; notes and bonds legal investment for savings banks. To procure funds for the purposes of this act the said trustees are hereby authorized to issue its bonds or notes to an amount not exceeding the sum of \$30,000. Each bond or note shall have inscribed upon its face the words "Town of Penobscot School District" and shall bear interest at such rates as the trustees shall determine, payable semiannually. Said bonds or notes 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 the aforesaid 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 be issued, each coupon shall be attested by a facsimile signature of the president and 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. The said notes and bonds shall be legal investments for savings banks.

Sec. 4. Sinking fund; refunding bonds provided for. In case said notes or 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 notes or bonds when they become due, and not less than 4% of the principal amount of such bonds or notes originally issued shall be added to said sinking fund each year, which may be deposited in any 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 notes or 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 notes or 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 notes or bonds falling due at any 1 time, authority to issue new notes or bonds sufficient to redeem so many of said notes or bonds as cannot be redeemed from the sinking fund is hereby granted to said district, but in no case shall new notes or bonds run beyond 30 years from the date of the original issue.

Sec. 5. Assessment of taxes authorized to meet indebtedness; how collected; procedure. The trustees of the town of Penobscot School District shall determine the sum to be paid annually into the sinking fund, or if the notes or bonds authorized by this act shall be issued to mature serially what amount is required each year to meet the notes or bonds falling due and interest on said notes or bonds 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 state treasurer for taxes, with proper changes, to the assessors of the town of Penobscot, 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 Penobscot, 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 district may issue his warrant for the amount of said tax or so much thereof as shall then remain unpaid to the sheriff of Hancock 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. 6. When trustees cease to function. At such time as the school building shall have been completed, equipped and occupied by pupils and said 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 in respect to such school building shall revert to the school board of the town of Penobscot or other such board as

may, at that time have jurisdiction over similar school property, and the then president and treasurer shall cause to be executed, signed and delivered, a good and sufficient deed of all property in said school district, to the town of Penobscot. All money, if any remains in the treasury of the board of trustees at the time it ceases to function, shall be given to the treasurer of the town of Penobscot. 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 Penobscot to be expended as hereafter provided.

Sec. 7. Emergency clause; effective date; referendum. 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 Penobscot at any regular or special meeting called and held for the purpose not later than 4 months after 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 Penobscot 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 reduce the subject matter of this act to the following question: "Shall the act to Incorporate the Town of Penobscot 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 Penobscot and due certificate thereof filed by the clerk of said town with the secretary of state.