

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. 375

H. P. 923

House of Representatives, February 4, 1949.

Referred to Committee on Legal Affairs. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Hobbs of Acton.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-NINE

AN ACT to Incorporate the Town of Shapleigh School District.

Whereas, the present accommodations for the schools of the town of Shapleigh are wholly inadequate to accommodate the pupils of said town; and

Whereas, the present buildings are overcrowded and are in very bad condition and cannot be made adequate and proper at a reasonable cost commensurate with the results obtainable; and

Whereas, the kind and quality of schooling available to the pupils is as a result inadequate; and

Whereas, new building construction is necessary to provide adequate school accommodations; and

Whereas, it is impossible for the town of Shapleigh to borrow the necessary money with which to build a school building; 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. Subject to the provisions of sections 8 and 9 hereof, the inhabitants of and the territory within the town of Shapleigh shall constitute a body politic and corporate under the name of the "Town of Shapleigh School District" for the purpose of acquiring land within said town for school purposes; and purposes incidental thereto, including playgrounds, with the authority to exercise the right of eminent domain, if necessary, to secure such land; and erecting, equipping and maintaining on said land or other land owned by the town a school building or buildings; with the right to lease or let such property to said town; all for the benefit of the inhabitants of said district; and to exercise such other powers and functions as are incidental or necessary to the accomplishment of the specific purposes above provided.

Sec. 2. Trustees, powers and duties; limitations. All the affairs of said district (except election of teachers who shall serve in the said schools and the fixing of their salaries, the course 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 Shapleigh) shall be managed by a board of 5 trustees who shall be elected as is hereinafter provided. The 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.

Sec. 3. Trustees, how chosen; organization; compensation. As soon as may be after the acceptance of this act, as hereinafter provided, 5 trustees shall be elected at a regular or special town meeting in the same manner as other municipal officers of the town of Shapleigh are chosen. Removal from the town of Shapleigh by any trustee shall ipso facto vacate his office. Vacancies in the board of trustees occurring because of removal from town, resignation or death, or any cause except expiration of the official term of office, shall be filled by the board of selectmen of the town of Shapleigh until the next regular town meeting, at which time a trustee shall be elected by the voters in the usual manner to serve for the remainder of the unexpired term. Vacancies occurring due to expiration of a term of office shall be filled by election at the regular town meeting.

The board of trustees shall be composed of 5 members who shall hold office for a period of 5 years from the date of their election, except as otherwise expressly provided for herein.

The board members as soon as convenient after they have been chosen 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 elected shall determine by lot the term of office of each trustee so that 1 trustee shall retire each year at the time of the regular town meeting and the term of office of the 1st trustee to expire shall end at the close of the municipal year of the town of Shapleigh following the acceptance of this act. And thereafter, the term of office of a trustee shall expire and his successor shall be elected by the legal voters of Shapleigh at the close of each municipal year.

The trustees 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 thus organized shall have the right and authority to employ such officers and agents as they may deem necessary for the proper conduct of the affairs of the district and shall at once provide to carry out the duties of their office.

The trustees shall serve without compensation, except the treasurer who may receive for his services an amount to be fixed by the board of trustees not to exceed \$100 a year. The treasurer shall give a bond to the district in such sum and with sure 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 each fiscal year the trustees shall make a detailed report of their doings, of the financial condition of the district, and the physical condition of said school building or buildings, and also such other matters and things pertaining to the 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. 4. How financed. To procure funds for the purposes of this act, and for such other expenses as may be necessary to carry out said purposes, the said trustees are hereby authorized from time to time to borrow money and to issue bonds and notes therefor, but shall not incur a total indebtedness exceeding the sum of \$35,000. Each bond and note shall have inscribed upon its face the words "Town of Shapleigh School District", shall bear interest at such rates as the trustees shall determine, payable semiannually, and shall be subject to such other provisions as the trustees shall determine. Said bonds may be issued to mature serially, or made to run for such periods with call provision as said trustees may determine, but none of which shall run for a longer period than 30 years. 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. 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 savings banks. The said district is hereby authorized and empowered to enter into such an agreement with the federal government or state 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. 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 4% 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. Assessment of taxes to meet indebtedness; how collected; procedure. The trustees of the "Town of Shapleigh 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 Shapleigh, 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 Shapleigh, 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 York 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 Shapleigh School District" is hereby authorized to receive from the town of Shapleigh, and the said town of Shapleigh is hereby authorized to convey to said district the school land situated in the town of Shapleigh 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 or buildings. 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 or buildings, and the acquisition of sites for such buildings.

Sec. 8. Provisions for termination of the board of trustees. At such time as the school building or buildings 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 Shapleigh 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 Shapleigh. 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 Shapleigh. 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 Shapleigh to be expended as hereinbefore stated.

Sec. 9. 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 Shapleigh at any regular or special meeting called and held for the purpose not later than 4 months after the approval of this act. Such special meeting shall be called, advertised and conducted according to law relating to municipal elections; provided, however, that the selectmen of the town of Shapleigh 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 1 hour 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 Shapleigh 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 Shapleigh and due certificate thereof shall be filed by the clerk of said town with the secretary of state.