

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. 469

H. P. 1054

House of Representatives, February 9, 1949.

Referred to 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 Yarmouth School District.

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

Sec. 1. Town of Yarmouth School District, incorporated. Subject to the provisions of this act, the inhabitants of and the territory within the town of Yarmouth shall constitute a body corporate and politic under the name of the "Town of 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 school building or buildings; with the right to lease or let said property to said town; all for the benefit of the inhabitants of said district.

Sec. 2. Trustees, powers and duties; limitations. All the affairs of said district (except elections of teachers who shall serve in the said school 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 superintending school committee of the town of Yarmouth) shall be managed by a board of 5 trustees who shall be residents of the town of Yarmouth and who shall be elected as 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. The 1st board of trustees shall be elected at the meeting called for the acceptance of this act, by the legal voters of the town of Yarmouth. Removal from the town of Yarmouth 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 voters of the town of Yarmouth at a special or annual town meeting. Vacancies shall be filled for the unexpired term.

The members of the board, as soon as convenient after they have been elected 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 elected 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 1st trustee to expire shall end at the close of the municipal year of the town of Yarmouth following the acceptance of this act. And thereafter the term of office of a trustee shall expire and his successor shall be elected for a term of 5 years by the legal voters of Yarmouth 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 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, who may receive for his service 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 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 or 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.

Sec. 4. Bond issue authorized; temporary loans; notes and bonds legal investment for savings banks. To procure funds for the purposes of this act, the said district, by its trustees, is hereby authorized to issue its bonds

to an amount not exceeding the sum of \$225,000. Each bond shall have inscribed upon its face the words "Town of 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 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. 5. Sinking fund; refunding bonds provided for. 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 $3\frac{1}{3}\%$ of the cost of the town of Yarmouth school building or buildings, land and 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 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 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 1 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 trustees, but in no case shall new bonds run beyond 30 years from the date of the original issue.

Sec. 6. Assessment of taxes authorized to meet indebtedness; how collected; procedure. The trustees of the "Town of 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 interest on said 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 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 said town of 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 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. When trustees cease to function. At such time as the school building or buildings shall have been completed, equipped and occupied by pupils and the board of trustees of 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 or buildings shall revert to the school board of the town of Yarmouth 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 Yarmouth. 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 Yarmouth. 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 Yarmouth to be expended as hereafter provided.

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

erty or turning over any of said funds or assets, the municipal officers of the town of Yarmouth shall be duly authorized to do so by a majority vote of the legal voters present at any annual or special town meeting, the call for which shall have given notice of the proposed action.

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, present and voting at a special meeting called and held for the purpose or at an annual town meeting of the town of Yarmouth. Such special meeting or annual town meeting shall be held not later than 1 year after the effective date of this act. In the event a special meeting is called for the purpose, it shall be called, advertised and conducted according to the law relating to municipal elections; provided, however, that the board of registration in the town of Yarmouth shall not be required to prepare for posting, nor 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 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 town 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 Town of 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 hereof 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 Yarmouth, and due certificate thereof filed by the town clerk with the secretary of state.