

# MAINE STATE LEGISLATURE

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# NINETY-FOURTH LEGISLATURE

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**Legislative Document**

**No. 558**

H. P. 1259

House of Representatives, February 10, 1949

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

HARVEY R. PEASE, Clerk

Presented by Mr. Chaples of Hudson.

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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 Town of Corinth School District.

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**Emergency preamble.** Whereas, the accommodations for the schools in the town of Corinth are inadequate to accommodate the pupils therein; and

Whereas, there are at present 5 different buildings in 4 different locations being used for school purposes, resulting in inefficiency in administration with corresponding waste of money; and

Whereas, continued repairs and renovations of said buildings seems an unwise expenditure of public money; and

Whereas, overcrowded conditions make it impossible to properly instruct the pupils in said schools and to maintain proper health and sanitary conditions therein, whereby the health, welfare, and safety of pupils are jeopardized; and

Whereas, it is impossible for the town of Corinth to borrow the necessary money with which to construct a consolidated school; 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. Town of Corinth School District, incorporated.** Subject to the provisions of sections 7 and 8 hereof, the inhabitants of, and the territory within, the town of Corinth shall constitute a body politic and corporate under the name of the "Town of Corinth School District" for the following purposes: of acquiring land within said town for school purposes; of erecting, equipping and maintaining on said land a school building for the elementary grades of the public school system; and for leasing or letting 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 the election of teachers who shall serve in 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 Corinth) shall be managed by a board of 5 trustees, who shall be residents of the town of Corinth and who shall be elected as hereinafter 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 powers and authority granted herein.

**Sec. 3. Board of trustees, how chosen; tenure of office; vacancies; organization; compensation; reports.** As soon as the acceptance of this act, as hereinafter provided, the legal voters of the town, who are residents thereof qualified to vote for governor, shall elect 5 trustees of said district. This election may take place at the meeting where said act is considered for approval by the voters of said town; if and after said act is approved.

The trustees elected shall hold office as follows: 1 trustee shall hold office for 1 year; 1 shall hold office for 2 years; 1 shall hold office for 3 years; 1 shall hold office for 4 years; and 1 shall hold office for 5 years, except as is hereinafter provided. At the 1st election, the length of term of each person elected shall be designated; and each member elected at subsequent elections shall serve a full term of 5 years. At each annual town meeting of the town, beginning with the annual meeting following the 1st election of trustees, 1 trustee shall be elected to fill the vacancy of the retiring member and shall serve until the annual meeting occurring 5 years thereafter. One member of the board of trustees shall always be a school committee member. All trustees shall be eligible for reelection.

When any trustee ceases to be a resident of said district he vacates the office of trustee. When any vacancy occurs upon the board of trustees

because of change of residence of trustees, resignation, death, or any cause except normal expiration of term of office, a trustee shall be appointed at a joint session of the 3 selectmen of the town of Corinth and the remaining trustees of said district, to serve until the next annual meeting, at which time a member of said board shall be elected to fill the unexpired portion of the term of the vacant office.

The board of trustees shall hold a meeting within 15 days from the date of their election, at which meeting they shall organize by the election from their own membership of a president, clerk and treasurer, and adopt a corporate seal. They may employ all needful officers and agents for the proper conduct and management of the affairs of the district; and annually thereafter, within 2 weeks after each annual town meeting, the trustees shall organize as hereinbefore provided.

The trustees shall serve without compensation, except that the treasurer may receive for his services an amount to be fixed by the board of trustees 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 cost of such bond shall be paid by the district.

At the close of each fiscal year of said district (which shall coincide with the fiscal year of the town of Corinth) 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 of such other matters as shall show the inhabitants thereof how said trustees are fulfilling their duties and obligations. Such report shall be made and filed with the municipal officers of the town of Corinth in time to be published in the annual town report.

**Sec. 4. How financed.** The board of trustees is authorized to accept grants, gifts, bequests or donations whether given in the past or to be given in the future and apply the same to or accept the same for the particular purposes specified by the grant, gift, bequest or donation or if no such specification is made to apply the same to the general purposes of this act together with such amounts as have been appropriated or may be appropriated by the town for the purposes of this act. To procure funds for the purpose of this act and such other expense as may be necessary to the carrying out of said purposes, the trustees of said district are hereby authorized to issue bonds and notes for the district, but shall not incur a total indebtedness exceeding the sum of \$72,000. Each bond shall have inscribed upon its face the words: "Town of Corinth 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 bonds may be made callable. All 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.

**Sec. 5. Sinking fund.** In case any bonds 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 for the purpose of redeeming the same when they become due. The amount to be paid annually into such sinking fund shall not be less than  $3 \frac{1}{3}$  % of the total amount of such bonds 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 national bank, savings bank or trust company 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 all bonds for the benefit of which such sinking fund was established, all further payments to such sinking fund shall cease.

Whenever any bonds 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 and cancel them. In no case shall bonds 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 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 and to issue new bonds in their stead, authority is hereby granted to issue again as many of said original bonds as cannot be paid or redeemed from the sinking fund provided therefor. In no case shall such new bonds mature more than 30 years from the original date of issue of the original bonds so refunded.

**Sec. 6. Provisions for sinking fund.** The trustees of the "Town of Corinth 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 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 Corinth, 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 Corinth, 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 Penobscot 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 the 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 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 Corinth or such other 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 the property in said district, to the town of Corinth. All moneys, if any be remaining in the treasury of the board of trustees at the time it ceases to function, shall be paid over to the town treasurer of the town of Corinth. This money shall be used only for school purposes and shall be kept separate

from all other money until its expenditure is authorized by the citizens of the town of Corinth as hereinbefore provided for.

**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 town of Corinth at any regular or special town meeting 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 law relating to municipal elections; provided, however, that the selectmen in the town of Corinth shall not be required to prepare for posting or the town clerk to post a new list of voters, and for the purposes of registration of voters, said selectmen shall be in session 1 hour preceding such election. The town clerk shall reduce the subject matter of this act to the following question: "Shall the act to Incorporate the Town of Corinth School District be accepted?" and the voters shall indicate by ballot 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 Corinth and due certificate thereof filed by the town clerk with the secretary of state.