

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. 624

H. P. 1166

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. Bates of Orono.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-NINE

AN ACT to Incorporate the Town of Orono High School District.

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

Sec. 1. Territorial limits; name; purposes. Subject to the provisions of sections 8 and 9 hereof, the territory comprising the town of Orono and the people therein shall constitute a body politic and corporate under the name of the "Town of Orono High School District" for the purpose of acquiring, constructing, equipping and maintaining an addition to the present Orono high school building, such addition to provide for an auditorium, gymnasium, and classrooms and laboratories for vocational arts courses for both boys and girls, within said district and the said present Orono high school building and the land on which said present Orono high school building now stands and which is connected therewith and which is located at the westerly end of a short street which extends westerly from the westerly side of Main street, in said town of Orono, with the right to lease or let said property to said town; all for the benefit of the inhabitants of said district.

Sec. 2. Inhabitants of the town of Orono, authorized to convey to district. The inhabitants of the town of Orono, a municipal corporation created by law and located in Penobscot county, now holding the title to said high school building and land, is hereby expressly authorized to con-

vey to said district the land and buildings referred to in section 1 of this act.

Sec. 3. Trustees, powers and duties; limitations. All the affairs of said district, except the election of teachers who shall serve in said high school and the fixing of their salaries, the courses of study, the terms of school and all other matters pertaining to the education of the pupils, which matters shall be controlled by the superintending school committee of the town of Orono, shall be managed by a board of 3 trustees who shall be chosen as is hereinafter provided.

Sec. 4. Trustees, how elected; tenure of office; organization of board; officers; vacancies; annual report. The trustees shall be chosen by the municipal officers of the town of Orono, but no member of the board of selectmen shall, during the term for which he is elected, be chosen one of said board of trustees. The term of office of the trustees shall begin on the date when this act shall become a law. As soon as convenient after the commencement of their term of office, the trustees shall hold a meeting at some convenient place in the town of Orono, to be called by one of the trustees upon such reasonable notice therefor as he may deem proper. They shall organize by the election from their own membership of a president, a clerk and treasurer, adopt a corporate seal, and may employ all needful officers and agents for the proper conduct and management of the affairs of the district, and annually thereafter at the beginning of each municipal year, the trustees shall organize as hereinbefore provided. 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 end of the municipal year of the town of Orono following the acceptance of this act, and whenever the term of office of a trustee expires, his successor shall be appointed by the municipal officers of the town of Orono to serve for the full term 3 years, and in the case any other vacancy arises, it shall be filled in like manner for the unexpired term. When any trustee ceases to be a resident of said district he vacates the office of trustee, and the vacancy shall be filled as aforesaid. All such trustees shall be eligible to reappointment. The said trustees may ordain and establish such by-laws not inconsistent with the laws of the state as are necessary for their own convenience and the proper management of the affairs of said district. No member, except the treasurer, shall receive compensation for his services, and the treasurer shall receive in full compensation for his services an amount not exceeding \$100, to be fixed by the trustees, and such salary and all expenses of the district shall be paid from the funds of the district. The treasurer shall

give bond to the district in such sum and with such sureties as said trustees may determine, which bond shall remain in the custody of the president. The expenses of such bond shall be paid by the district. At the close of each 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 high school building, also all 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. Such report shall be made and filed with the municipal officers of the town of Orono on or before March 1st of each year.

Sec. 5 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 \$150,000. Each bond shall have inscribed upon its face the words "Town of Orono High 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. The said district is also authorized to borrow money for temporary purposes and to issue therefor the interest-bearing negotiable notes of the district, not exceeding in amount \$10,000 outstanding at any 1 time, which said notes shall be payable not later than 1 year from the date thereof. 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 of 1944, and all the provisions of said section shall be applicable thereto. The said notes and bonds shall be legal investments for savings banks. The said district is hereby authorized and empowered to enter into such agreements with the federal or state government, or any corporation, agency or board authorized by the federal 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. 6. 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 $3\frac{1}{2}\%$ of the cost of said addition to the present high school building and said facilities and the expense 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 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. 7. Assessment of taxes authorized to meet indebtedness; how collected; procedure. The trustees of the "Town of Orono High 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 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 state treasurer for taxes, with proper changes, to the assessors of the town of Orono, 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 Orono, 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 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. 8. Provisions for termination of the board of trustees. At such time as the addition to said high 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 superintending school committee of the town of Orono 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 Orono. 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 Orono. 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 Orono to be expended as hereinbefore stated.

Sec. 9. Effective date; referendum. 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 meeting called and held for the purpose or at an annual town meeting of the town of Orono held within 1 year from the effective date of this act. Such special meeting shall be called, advertised and conducted according to the law relating to municipal elections; provided, however, that the board of registration in said town of Orono 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 board shall be in session the 3 secular days next preceding such election, the first 2 days thereof to be devoted to registration of voters, and the last day to enable the board to verify the corrections of said lists and to complete and close up their records of said sessions. The town clerk shall reduce the subject matter of this act to the following question: "Shall the act to incorporate the Town of Orono High School District be accepted?" which question shall be inserted in the warrant. The vote may be taken viva voce or in any other manner agreeable to the meeting. If a majority of those present and voting shall vote on said question in the affirmative this act shall be considered accepted and approved and shall immediately take effect for all the purposes hereof. The result of the vote in said district shall be declared by the municipal officers of the town of Orono and certificate thereof filed by the town clerk with the secretary of state.