

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 831**

S. P. 422

In Senate, February 17, 1949.

Referred to Committee on Education, sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary.

Presented by Senator Leavitt of Cumberland.

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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 Provide Financial Assistance to Cities and Town in the  
Construction of School Buildings.**

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**Emergency preamble.** Whereas, the rapid increase in birth rate has resulted in crowded schools and inadequate school facilities, a condition that will become increasingly critical; and

Whereas, the construction of school buildings has been reduced to a minimum because of the recent World War; and

Whereas, the constitutional debt limit renders it impossible for cities and towns to borrow sufficient funds with which to construct proper school buildings to meet the present and future demands; 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 to provide financial assistance to cities, towns, community school districts and school districts for the construction, expansion or rehabilitation of certain public schools; now therefore

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

**Sec. 1. R. S., c. 37, §§ 211-B - 211-J, additional.** Chapter 37 of the

revised statutes is hereby amended by adding thereto 9 new sections to be numbered 211-B to 211-J, inclusive, to read as follows:

#### ‘School Construction

**Sec. 211-B. Purposes; school building assistance commission.** To promote the construction of adequate school plants and the establishment of consolidated and community schools, to insure safe and functional plant facilities for the public schools, and to assist cities, towns, school districts and community school districts in meeting the cost thereof, there is hereby created in the department of education but not subject to its control, a commission, to be known as the school building commission and hereafter in sections 211-B to 211-J, inclusive, called the “commission”.

**Sec. 211-C. Membership terms; compensation, etc.** Said commission shall consist of 7 members, residents of the state. Four of said members, one of whom shall be a public school administrator, shall be appointed by the governor with the advice and consent of the council. One shall serve for 1 year, one for 2 years, one for 3 years and one for 4 years; and thereafter each member shall serve for a term of 4 years. The remaining membership shall include the chairman of the education committee of the legislature; the executive secretary of the Maine municipal association and the commissioner of education who shall act as executive secretary for the commission. The terms of the latter 3 members shall terminate co-incident with the expiration of their terms of office in their respective organizations. Vacancies shall be filled for unexpired terms. The commission shall organize by electing a chairman at its 1st meeting and annually thereafter at the 1st meeting of the fiscal year.

The action of a majority shall constitute action by the commission; and, whenever any action is required to be in writing, such writing shall be sufficient when signed by a majority of the members. Each member of the commission shall receive his expenses actually and necessarily incurred by him in the performance of his duties and \$10 per day as compensation.

**Sec. 211-D. Powers and duties.** The powers and duties of the commission shall be, generally, to encourage and foster the development of consolidated and community public schools in and among the cities and towns of the state; to administer the provisions of sections 211-B to 211-J, inclusive, relative to grants to cities, towns, school districts and community school districts for the development of adequate school facilities; to authorize the payment of grants under the provisions of the following sections, and to establish rules and regulations with respect thereto including financial controls.

Sec. 211-E. Meetings of commission quarterly, special meetings provided. The commission shall hold quarterly meetings for the transaction of its business, however, special meetings may be held as often as may be necessary on call of the executive secretary.

Sec. 211-F. Application for assistance; plans, etc. Any city, town, school district or community school district may apply to the commission for a school construction grant to meet in part the cost of any approved school project undertaken since January 1, 1946 or the service of any debt incurred therefor. Such application shall be made on a form prescribed by the commission and shall be accompanied by plans and specifications and such other information as may be required by the commission. Applications for projects initiated after the effective date of sections 211-B to 211-J, inclusive, shall be filed with said commission before construction is undertaken.

Sec. 211-G. Granting of aid; determination of amount; procedure. Upon receipt of an application under the provisions of section 211-E, the commission shall examine such application and any facts, estimates or other information relative thereto. If, after such examination, the commission, exercising the judgment of reasonable persons, determines that the proposed construction is in the best interests of the city, town, school district or community school district and state, and that such proposed construction should be undertaken, the commission shall determine an approved cost.

Sec. 211-H. Notice of approval or rejection; estimate of allocation. Within a reasonable time after receipt of an application as provided in section 211-F, the commission shall notify such city, town, school district or community school district of its approval or rejection thereof and, in the event of rejection, the reasons therefor. Notice of approval hereunder shall be accompanied by a statement of the approved costs as determined by the commission and an estimate of the amount of school construction aid which such city, town, school district or community school district may anticipate under the provisions of the following section.

Sec. 211-I. Aid to municipalities and districts, how determined. The total potential allocation for any approved school project in any city, town, school district or community school district shall be generally from 15% to 50% of the approved cost of such project and determined by computing  $\frac{1}{4}$  of the approved cost of the project multiplied by the state valuation per pupil in the state divided by the valuation per resident pupil as reported in the latest annual report required under the provisions of section 63.

The total potential allocation for any approved school project in any community school district shall be generally from 15% to 50% of the approved cost of such project and determined by computing  $\frac{1}{3}$  of the approved cost of the project multiplied by the state valuation per pupil in the state divided by the valuation per resident pupil in participating towns comprising such district.

The commission shall certify, not later than June 30 of each year, to the controller and the treasurer of state shall pay to the several cities, towns, school districts, and community school districts, that percentage of the total allocations previously established as provided in section 1, which will distribute equitably the annual appropriation therefor.

The commission is empowered to make special grants to communities extending school opportunities to children in unorganized territories under such terms and conditions as may be determined by said commission.

Sec. 211-J. Commission may accept funds from any source; power to pledge credit. For the purpose of carrying out the provisions of sections 211-B to 211-J, inclusive, said commission shall be authorized to receive grants from any federal government agency or from any other source. Said commission shall also have the power to borrow money and issue notes, bonds or other evidences of indebtedness, and to secure the payment thereof by pledging the credit of the cities, towns, school districts or community school districts applying for assistance under section 211-E to the extent of the difference between the approved cost of the school building or project and the amount of the grant allowed by said commission to such cities, towns, school districts or community school districts, but said commission shall not have the power to pledge the credit of the state of Maine.

All moneys obtained by said commission upon the credit of such cities, towns, school districts or community school districts, as aforesaid, shall be paid or amortized by said cities, towns, school districts or community school districts over such period of years and at such rate of interest as said commission may determine, but in no case shall such period extend beyond 30 years.'

Sec. 2. Appropriation. There is hereby appropriated from the general fund to carry out the purposes of section 211-B to 211-J, inclusive, of chapter 37, the sum of \$1,000,000 annually. Balances shall not lapse but shall remain a continuing carrying account.