

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. 1253

H. P. 1875

House of Representatives, March 3, 1949

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

HARVEY R. PEASE, Clerk

Presented by Mr. Dudley of Castle Hill.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-NINE

AN ACT to Incorporate the Town of Masardis School District.

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

Sec. 1. Masardis School District, incorporated. The inhabitants of the town of Masardis and its territory, subject to the provisions of this act, shall constitute a body politic and corporate under the name of the "Town of Masardis School District" for the purpose of providing additional school facilities within said district, for the purpose of erecting and constructing a new consolidated elementary school building upon land provided and secured for school purposes under the provisions of this act, and for the further purpose of equipping and maintaining said building and grading the grounds about the same, all as hereinafter provided and for the benefit of the inhabitants of said district.

Sec. 2. Trustees, how chosen; organization; compensation. All the affairs of said district, (except 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, as provided by law, by the school board of Masardis) shall be managed by a board of trustees composed of 5 members who shall hold office for the period of 5 years from the date of their ap-

pointment, except as hereinafter provided. Five trustees shall be chosen by the municipal officers of the town of Masardis as soon as may be after the acceptance of this act, as hereinafter provided. Removal from the town of Masardis by any trustee shall cause him to vacate his office. Vacancies upon the board of trustees occurring because of removal from the town, resignation, death or any other cause shall be filled by the municipal officers of the town of Masardis in the same manner in which the original board was chosen.

The members of the board, as soon as is convenient after they have been chosen 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 appointed 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 shall end at the close of the municipal year of the town of Masardis following the acceptance of this act. 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 the town of Masardis 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 that the treasurer may receive for his services 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 treasurer's salary, 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, 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. 3. 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 district, by its trustees, is hereby authorized to issue bonds

and notes but shall not incur a total indebtedness exceeding the sum of \$16,000. Each bond and note shall have inscribed upon its face the words: "Town of Masardis School District" and shall bear interest at such rates as the trustees shall determine, payable annually. Said bonds and notes 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 20 years. All notes or bonds issued by said school 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 trustees are hereby authorized and empowered to enter into such an agreement with the federal or state government, or any corporation or board of the federal or state government authorized 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. 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 of 1944, and all the provisions of said section shall be applicable thereto. Said bonds and notes shall be legal investments for savings banks.

Sec. 4. Sinking fund. In case said bonds or notes 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 or notes when they become due, which sinking fund shall not be less than 5% of the par value of the bonds or notes issued and outstanding, which may be deposited in a savings bank or savings department of a national bank within the state or may be invested in any United States government bonds, state bonds or bonds of any political subdivision thereof as the trustees may determine. Whenever any bonds or notes 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 or notes and cancel them. In no case shall bonds or notes so cancelled or redeemed be re-issued. In case the amount in the sinking fund shall not be sufficient to pay the total amount of the bonds or notes falling due at any 1 time, authority to issue new bonds or notes, sufficient to redeem so many of said bonds or notes as cannot be redeemed from the sinking fund, is hereby granted to said district; but in no case shall new bonds or notes run beyond 20 years from the date of the original issue.

Sec. 5. Provisions for sinking fund. The trustees of the "Town of Masardis School District" shall determine the sum to be paid annually into

the sinking fund, or if the bonds or notes authorized by this act shall be issued to mature serially, what amount is required each year to meet the bonds or notes 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 Masardis 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 Masardis, 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 there remain unpaid, to the sheriff of Aroostook 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 law, is hereby vested in the trustees of said district in relation to the collection of taxes within said district.

Sec. 6. Authorization. The "Town of Masardis School District" is hereby authorized to receive from the town of Masardis, and the said town of Masardis is hereby authorized to convey to said district the school land situated in the town of Masardis 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. 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.

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 Masardis 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 Masardis. All money, if any, remaining in the treasury of the board of trustees at the time it ceases to function, shall be deposited to the credit of the town of Masardis, which money shall be used only for school purposes and shall be kept separate from all other money until authorized by the municipal officers of the town of Masardis to be expended as hereinbefore stated.

Sec. 8. Effective date; referendum. This act shall take effect 90 days after the adjournment of this 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 any annual or special town meeting called and held for that purpose not later than 1 year after 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 of said town 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 1 hour preceding such election. The town clerk shall prepare the required ballots upon which he shall reduce the subject matter of this act to the following question: "Shall the act to incorporate the town of Masardis 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. The result of the vote in said district shall be declared by the municipal officers of the town of Masardis and a certificate thereof filed by the town clerk with the secretary of state. This act shall take effect for all the purposes hereof immediately upon its acceptance by a majority of the legal voters voting at such meeting.