

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 1274**

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H. P. 1911

House of Representatives, March 4, 1949.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Dufresne of Bar Harbor.

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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 Create the Mount Desert Island Secondary Community School  
District.**

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

**Sec. 1. Territorial limits; name; purposes.** Subject to the provisions of this act, the inhabitants of and the territory within the towns of Bar Harbor, Mount Desert, Tremont and Southwest Harbor, in the county of Hancock, or any 2 or more of said towns, are hereby created a secondary community school district under the name of "Mount Desert Island Secondary Community School District" for the purpose of acquiring property within said district for school and related athletic and recreational purposes; for the purpose of erecting, enlarging, repairing, equipping and maintaining on said property a school building or buildings and related athletic and recreational facilities; for the purpose of receiving, accepting and holding gifts, grants or devises of property, real, personal or mixed, to be used for school and related athletic and recreational purposes; for the purpose of organizing and maintaining said secondary community school; all for the benefit of the inhabitants of said district.

**Sec. 2. Vote of towns before becoming members.** Before any town shall become a member of said district, the municipal officers in said town

shall call a meeting of the inhabitants of their town in the manner provided by law for the calling of town meetings, and at such meeting said inhabitants shall vote on articles in substantially the following form:

Article To see if the town will vote to join with the towns of (naming them) to form a secondary school district to be known as "Mount Desert Island Secondary Community School District."

Article To see if the town will vote to authorize said community school district from time to time to borrow money and to issue its bonds and notes therefor in an amount which shall not at any time be in excess of 10% of the assessed valuation of the towns as determined by the assessors of the said towns for the purpose of acquiring land, constructing and equipping a community school building, and other purposes of the district.

The clerk of such town shall file a return of said vote.

**Sec. 3. Board of trustees; appointment and organization; return to secretary of state.** In any town accepting the provisions of section 2, the municipal officers shall appoint 3 persons from said town to be incorporators of said proposed school district, who shall become trustees of said district. Said 3 trustees shall be appointed, one for 1 year, one for 2 years and one for 3 years, and thereafter 1 each year shall be elected by the voters, at the annual town meeting, for a term of 3 years. No trustee shall be a member of any superintending school committee. Vacancies shall be filled by appointment by the selectmen until the next annual town meeting.

Said trustees shall thereupon meet with similar trustees from the other towns in the district voting to join said district and incorporate; and after said corporation is organized, the trustees shall make a return to the secretary of state setting forth the fact of the organization of the district, the names of the trustees and the officers thereof, the amount of property it is authorized to acquire and hold, and the amount of its borrowing power.

**Sec. 4. Board of trustees; powers and duties, limitations.** The trustees of the several towns so appointed, as soon as convenient thereafter, shall meet upon call of 1 of their number after reasonable notice. All the affairs of said district (except election of teachers who shall serve in said school and the fixing of their salaries, the courses of study, the term of school and other matters pertaining to the education of pupils, which matters shall be controlled by a community school committee hereinafter provided for) shall be managed by said board of trustees.

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 chairman. 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 or buildings, and also such other matters 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 the several towns.

**Sec. 5. How financed.** To procure funds for the purposes of the district, the said trustees are hereby authorized to issue bonds and notes of the district, but shall not incur a total indebtedness in excess of 10% of the total valuation of all of the participating towns. Each bond or note shall have inscribed upon its face the words: "Mount Desert Island Secondary Community School District" and shall bear interest at such rates as the trustees shall determine, payable semiannually. Said bonds or notes shall be made to mature serially, but none shall run for a longer period than 25 years. All notes or bonds issued by said district shall be signed by the treasurer and countersigned by the chairman of said district, and if coupon bonds be issued, each coupon shall be attested by a facsimile signature of the treasurer printed thereon. Said notes and bonds shall be legal obligations of said district, which is hereby declared to be **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. Said trustees are authorized to accept gifts of money or real and personal property in any amount, either for endowment or for operating expenses. Said trustees are hereby authorized and empowered to enter into such an agreement with the state or federal government, or any agency thereof, or any corporation or board of the state or federal 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.

**Sec. 6. Assessment of taxes authorized to meet indebtedness; how collected; procedure.** The trustees of the "Mount Desert Island Secondary Community School District" shall, within 90 days after authorization by vote of the participating towns as provided in section 2, and annually thereafter before April 1st of each year, determine the sum required each year to meet the bonds or notes falling due and what further sum is necessary

to meet the interest on said bonds or other obligations, and all other expenses necessary for the operation of the district. The cost of the land, the building and the construction of said building, and the original equipment in said building shall be borne by the various towns comprising the district in the proportion that the valuation of any town bears to the total valuation of all the towns comprising the district, said valuation to be as of April 1, 1948, according to the reports of the assessors in the several towns. One-half of the annual expenses of the operation of said district shall be apportioned among the towns in the proportion that the taxable polls and estates within that town bears to the total valuation of the polls and estates of all participating towns. One-half of the annual expenses of the operation of said district shall be borne by the towns in the proportion that the number of pupils from any town bears to the total number of pupils attending the school from all the towns. The trustees shall thereupon issue their warrants, in substantially the same form as the warrant of the treasurer of state for taxes, to the assessors of each participating town, requiring them to assess upon the taxable polls and estates within said town its part of the expenses of said district and to commit the assessment to the constable or collector of said town, who shall have all the authority and powers to collect said taxes as is in him 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 each town shall pay the amount of the tax so assessed against his said town to the treasurer of the district. In the case of the failure on the part of the treasurer of said town to pay said sum or any part thereof on or before said 31st day of December in the year in which said tax is levied, the treasurer of the district may issue his warrant for the amount of said tax or so much thereof as shall then remain unpaid to the county sheriff requiring him to levy by distress and sale on the real and personal property of any of the inhabitants of such defaulting town, and the sheriff or any of his deputies shall execute said warrant, except as otherwise herein provided. 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 such district.

**Sec. 7. Community school committee; powers and duties.** The superintending school committees of the several towns in the district shall constitute the community school committee; but no town shall be represented by more than 3 persons on said community school committee. The community school committee shall at its 1st meeting, and annually in April thereafter, choose by ballot from its membership a chairman and

a secretary. The community school committee shall have all the powers and duties with respect to the community school conferred upon superintending school committees under the general statutes and those enumerated in this act.

**Sec. 8. Definition of "secondary school".** As used in this act, "secondary school" may include grades 7 and 8, as well as grades 9 to 12.

**Sec. 9. Transportation of pupils.** Transportation shall be provided by the community school committee in the same manner as is provided for transportation of elementary school pupils in section 8 of chapter 37 of the revised statutes of 1944, the expenditures for transportation to be considered an expense of operation of said school.

**Sec. 10. Superintendent of community school; how elected; powers and duties.** The superintendent of the community school shall be selected by the community school committee and shall have the same duties, powers and responsibilities with respect to said school and its committee as are prescribed by law for public school superintendents.

**Sec. 11. Procedure for participation by other towns, or withdrawal.** A town not originally in the participating group of towns may be included, upon vote of all the towns concerned, in the same manner as is prescribed for the establishing of the community school, under such terms and arrangements as may be recommended by the community school trustees and approved by such vote, provided the cost of applying towns shall be based on a fair valuation as determined by the assessors of said town.

When any town decides to withdraw from the community school district, it must decide affirmatively to do so by a  $\frac{2}{3}$  vote of the legal voters in said town at an annual town meeting, and by giving to the community school district a 2-year notice of their intent to withdraw; provided the withdrawing town may claim and demand a share equal to 50% of the equity in its capital investment after deduction of depreciation costs; and provided further, that any town withdrawing from the district shall not be relieved from its obligation on any notes or bonds of the district then outstanding. The superior court in equity shall have jurisdiction for the enforcement of the provisions of this section.

**Sec. 12. Amendments; procedure.** Amendments to this act shall not take effect until and unless approved and accepted by a majority vote of the legal voters of the various towns comprising the district voting at an annual town meeting in each of said towns.

**Sec. 13. Acceptance by towns; 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 within each respective town at an annual town meeting or at a special town meeting called and held for the purpose not later than 1 year after the effective date of this act. Such special town meetings shall be called, advertised and conducted according to the law relating to municipal elections; provided, however, that the selectmen 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 selectmen shall be in session in their respective towns 1 hour preceding such town meetings. The town clerks in each respective town shall reduce the subject matter of this act to the following question: "Shall the Act to Create the Mount Desert Island Secondary Community School District be accepted?" and the voters shall indicate by secret ballot by the words "Yes" or "No" their opinion of the same. The results in said towns shall be declared by the municipal officers of the towns of Bar Harbor, Mount Desert, Tremont and Southwest Harbor and due certificates thereof filed by the town clerks of the respective towns with the secretary of state.

This act shall take effect for all the purposes hereof immediately upon its acceptance by a majority vote of the legal voters of 2 or more of said towns voting at said meetings; provided, however, that no town not voting to enter the school district shall be bound by the terms of this act.