

MAINE STATE LEGISLATURE

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NINETY-FOURTH LEGISLATURE

Legislative Document

No. 1506

H. P. 2070

House of Representatives, April 15, 1949.

Reported by Mr. Campbell from Committee on Legal Affairs and printed under Joint Rule 10.

HARVEY R. PEASE, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-NINE

AN ACT to Incorporate the Town of Gorham School District.

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

Sec. 1. Incorporation; name; purposes. Subject to the provisions of sections 8 and 9 hereof, the inhabitants of and the territory within the town of Gorham are hereby created a body politic and corporate under the name of "Town of Gorham School District" for the purpose of acquiring land for school purposes and purposes incidental thereto, including playgrounds and athletic fields; erecting, equipping, and maintaining on said land a school building or buildings; with the right to lease or let said property to said town; all for the benefit of the inhabitants of said district; 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.

Sec. 2. Trustees, powers and duties; limitations. All the affairs of said district, except the election of teachers who shall serve in said town of Gorham schools and the fixing of their salaries, the courses of study, the terms of school, and all other matters pertaining to the education of pupils, which matters shall be controlled by the school committee of the town of Gorham, shall be managed by a board of 5 trustees who shall be selected as hereinafter provided. This board of trustees acting for said

district shall have and exercise all the powers and authorities necessary to carry out the purposes of this act and the powers and authorities granted herein.

Sec. 3. Trustees, how chosen; tenure of office; organization of board; officers; vacancies; compensation; reports. As soon as may be after the acceptance of this act, as hereinafter provided, the selectmen of the town of Gorham shall appoint 5 trustees of said district to hold office as follows respectively: 1 until the next annual town meeting following acceptance of this act; 1 until the 2nd annual town meeting thereafter; 1 until the 3rd annual town meeting thereafter; 1 until the 4th annual town meeting thereafter and 1 until the 5th annual town meeting thereafter. At each annual town meeting of the town of Gorham, beginning with the annual town meeting after the acceptance of this act, 1 trustee shall be elected to serve until the annual town meeting occurring 5 years thereafter by the voters at large on a non-partisan ballot requiring a 50-name petition in nomination to be filed 14 days at least before election, exclusive of Sundays and holidays.

Vacancies occurring for any reason shall be filled until the next annual town meeting by appointment by the selectmen of the town of Gorham; whereupon, election for the remainder of the term shall be completed in the same manner as provided for regular election upon the expiration of terms. Removal from the town of Gorham by any trustee shall ipso facto vacate his office.

The members of the board, as soon as 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. 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 and shall at once proceed to carry out the duties of their office.

Within 2 weeks following the regular election in the town of Gorham for the election of town officers each year, the trustees shall meet for the purpose of electing a president, clerk and treasurer for the ensuing year.

The trustees shall serve without compensation, except that the treasurer shall receive for his services an amount to be fixed by the board of trustees not to exceed \$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 treasurer's salary, bond premium, and all expenses of the district shall be paid from the funds of the district.

At the close of each fiscal year of said district, which shall coincide with the fiscal year of the town of Gorham, the trustees shall make a detailed report of their doings, of the financial conditions of said district, of the physical condition of its property, and also of 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 filed with the selectmen of the town of Gorham.

Sec. 4. How financed. To procure funds for the purposes of this act and such other expense as may be necessary for the carrying out of said purposes, the said district, by its trustees, is hereby authorized to issue and sell its bonds and notes, but shall not incur a total indebtedness exceeding the sum of \$300,000. Each bond and note shall have inscribed on its face the words, "Town of Gorham School District" and shall bear interest at such rates as the trustees shall determine, payable semiannually. 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 30 years. All bonds and notes issued by said district may be callable at any interest date. The said bonds and notes shall be legal investments for trust companies and savings banks. 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 are 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, and all the provisions of said section shall be applicable thereto. The said district is hereby authorized and empowered to enter into such an agreement with the state or federal government, or any corporation or board authorized by the state or federal 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. 5. Sinking fund; refunding bonds provided for. In case any bonds or notes 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 or notes for the purpose of redeeming the same when they become due. The amount to be paid annually into such sinking fund shall

be not less than $3\frac{1}{2}\%$ of the total principal amount of such bonds or notes originally 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 trust company or savings bank 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 the bonds or notes for the benefit of which such sinking fund was established, all further payments to such sinking fund shall cease.

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

Sec. 6. Assessment of taxes authorized to meet indebtedness; how collected; procedure. The trustees of the "Town of Gorham School District" shall determine what sum is required each year for sinking fund payments, or if the bonds or notes authorized by this act shall be issued to mature serially, what sum is required each year to meet the bonds and notes falling due, and what sum is required each year to meet the interest on said bonds or other obligations, and what sum is required each year to meet other necessary expenses in the district, and shall each year, before the 1st day of April, issue their warrant in the same form as the warrant of the treas-

urer of state for taxes, with proper changes, to the assessors of the town of Gorham, requiring that they assess the total 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 Gorham, 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 case of a failure on the part of the treasurer of the town to pay said sum, or in 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 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 Cumberland 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 the revised statutes, is hereby vested in the trustees of said district in relation to the collection of taxes within said district.

Sec. 7. Authorization to receive property, etc. The said district is hereby authorized to receive from the town of Gorham, and the said town of Gorham is hereby authorized to convey to said district the school land and buildings situated in the town of Gorham 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 school building or buildings. Before conveyance of said land and buildings 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.

Sec. 8. Provisions for termination of board of trustees. At such time as the school building or buildings and related athletic and recreational facilities 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 of the property of said district shall revert to the school committee of the town of Gorham or such other committee as may at the time have jurisdiction over similar school property, and the then president and treasurer of

said district shall cause to be executed, signed and delivered, a good and sufficient deed of all the property of said district to the town of Gorham. All money, if any, remaining in the treasury of said district at the time said trustees cease to function, shall be given to the town treasurer of the town of Gorham. This money shall be used only for school purposes and be kept separate from all other money until authorized by the selectmen of the town of Gorham to be expended for one or more of the purposes stated in this act.

Sec. 9. Referendum; effective date. This act shall take effect 60 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, present and voting at a special meeting called and held for the purpose or at an annual town meeting of the town of Gorham held not later than the next regular town meeting after the effective date of this act. Such special meeting shall be called, advertised and conducted according to the law relating to municipal elections; providing, however, that the board of registration in said town of Gorham 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 prepare the required ballots and thereon shall reduce the subject matter of this act to the following: "Shall the Act to Incorporate the Town of Gorham School District be accepted?" and the voters shall indicate by a cross or a check mark over 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; provided that the total number of votes cast for or against the acceptance of this act at said meeting equals or exceeds 20% of the total vote for all candidates for governor in said town at the next previous gubernatorial election. The result of the vote shall be declared by the selectmen of the town of Gorham and due certificate filed by the town clerk with the secretary of state.