

MAINE STATE LEGISLATURE

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NEW DRAFT OF H. P. 1055—L. D. 470

NINETY-FOURTH LEGISLATURE

Legislative Document

No. 1538

H. P. 2074

House of Representatives, April 19, 1949.

Reported by Mr. Marble 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 Creating the Bath School District.

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

Sec. 1. Bath School District created. Subject to the provisions of sections 6 and 7 hereof, the inhabitants of and territory within the city of Bath are hereby created a body politic and corporate under the name of "Bath School District" for the purpose of acquiring property within said city for school purposes, and for the purpose of erecting, enlarging, repairing, equipping and maintaining on said property, elementary and high schools, with right to lease or let said property to said city and to receive, accept and hold gifts, grants or devises of property real, personal or mixed to be used for school and related athletic and recreational purposes, all for the benefit of the inhabitants of said district. Said district is hereby authorized to receive from the city of Bath and said city is hereby authorized to transfer, convey and deliver to said district any property, real, personal or mixed, now or hereafter owned or held by said city for school purposes and any sums of money or other assets which said city has raised or may raise either by taxation, borrowing or otherwise, to be used by said district in carrying out the purposes of this act. Before transferring and conveying any of such property or turning over any of said funds or assets, the municipal officers of the city of Bath shall be duly authorized so to do by

at least a majority vote of all the members of the city council. All property of said district wherever located, shall be exempt from taxation.

Sec. 2. Trustees, powers and duties; limitations. All the affairs of said district, (except selection of teachers who shall serve in the said schools and the fixing of their salaries, determination of the courses of study and 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 board of education of the city of Bath) shall be managed by a board of 5 trustees, who shall be residents of the city of Bath and who shall be elected as hereinafter provided. The board of trustees, acting for said district, shall have and exercise all the powers and authority necessary to carry out the purposes of this act and the powers and authority granted herein, including the issuance of bonds or notes of the district.

Sec. 3. Trustees; how elected; organization of board; election of officers; tenure of office; vacancies; compensation. The trustees so to be elected shall be elected by a plurality of the qualified voters of said district voting at an election called as provided for in section 7. No member of the city council or board of education shall be eligible to be nominated or elected a trustee. All nominations of candidates so to be voted for shall be made by nomination papers signed in the aggregate for each candidate by no less than 125 voters resident in said district. Each voter signing a nomination paper shall make his signature in person. Such nomination papers, before being filed, shall be submitted to the city clerk of Bath, who shall forthwith certify thereon what number of the signatures are names of qualified voters resident in said district. Such nomination papers shall be filed with the city clerk of said city of Bath at least 14 days, exclusive of Sundays, previous to the date of such election. With such nomination papers shall also be filed the consent in writing of the person or persons nominated. All nomination papers, being filed and being in apparent conformity with the foregoing provisions, shall be deemed to be valid; and if not in conformity they may be reasonably amended under oath.

In case any candidate who has been duly nominated under the provisions hereof shall die before the day of election, or shall withdraw in writing or shall remove his place of residence from said district, the vacancy may be supplied in the manner herein provided for such nominations. The name so supplied for the vacancy shall, if the ballots have not been printed, be placed on the ballots instead of the original nomination; or if the ballots have been printed, new ballots containing the new nomination shall, if practicable, be furnished, or slips containing the new nominations shall be printed under the direction of said city clerk, which shall be pasted upon

said ballots and over the name of the candidate whose nomination has been vacated as aforesaid, and thereafter shall become part of said ballots as if originally printed thereon.

The ballot of said district shall contain the names of all candidates so nominated in such district alphabetically arranged, printed in 1 column under the heading, "For Trustees of the Bath School District". Above such heading shall be printed "Vote for 5 (or "2" or "1", as the case may be). Make a cross or check mark to the right of each name voted for". As many blank spaces shall be left after the names of the candidates as there are trustees to be elected, in which the voters may by writing insert the name of any person or persons for whom he desires to vote, whether or not such person shall have been nominated. In preparing his ballot the voter shall mark a cross (X) or check mark (✓) against and to the right of each such name on said ballot as he desires to vote for, not to exceed the number of trustees so to be elected in said district. If the voter shall desire to vote for any person or persons whose name or names are not printed on the ballot, he may fill in such name or names in the blank spaces left therefor by writing the same therein, or by using a sticker containing such new name or names. Where the voter so adds by writing such new name or names, his vote for such new name or names shall be counted therefor although he may fail to make a cross or check mark against the same.

The members of the board of trustees shall be elected at large by and from the qualified voters of the "Bath School District" for a term of 3 years and until their successors are elected and qualified; except that at the 1st election after the adoption of this act the 2 members-elect who receive the largest number of votes cast at such election shall hold office until the 3rd succeeding regular election, the 2 members-elect who receive the next largest number of votes cast at such election shall hold office until the 2nd succeeding regular election, and the 1 member-elect who receives the next largest number of votes cast at such election shall hold office until the next succeeding regular election, and, in each case, until their successors are elected and qualified. The result of each election shall be declared by the municipal officers of the city of Bath and due certificate thereof filed with the city clerk thereof. The term of office of the trustees shall begin on the day after the election provided for in this act. The qualified voters of the "Bath School District" shall be those inhabitants of said district qualified to vote in a municipal election held in the city of Bath.

As soon as convenient within 3 weeks after all the members of said board have been so chosen, the trustees shall hold a meeting at the city rooms in

the city of Bath, to be called by the trustee receiving the largest number of votes upon such reasonable notice therefor as may be deemed proper or such meeting may be held without such notice at a mutually agreeable time and place if all the trustees attend. They shall organize by the election from their own membership of a president, clerk and treasurer, adopt a corporate seal and by-laws, and may employ all needful officers and agents for the proper conduct and management of the affairs of the district; and annually thereafter, during the 1st week of March, the trustees shall organize as hereinbefore provided. In case any vacancy arises in the membership of the board of trustees, it shall be filled by the remaining trustees for the period extending to the next regular election and until a successor is elected and qualified. The remaining trustees shall notify the city clerk of the city of Bath at least 14 days, exclusive of Sundays, previous to the date of such election, of the number of vacancies, if any, to be filled at such election. If there shall exist a vacancy in an unexpired term to be filled at any regular election, candidates shall file nominations and the voters shall cast their ballots as prescribed hereinbefore, voting for as many candidates as there are offices to be filled. The member or members-elect receiving the largest number of votes cast at such election shall be declared elected. If there shall be an unexpired term to be filled at such election, the member-elect receiving the next largest number of votes shall be declared elected to the unexpired term, or to the longest unexpired term if there be more than one such term then to be filled. 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 trustees shall be eligible for re-election.

The regular election shall take place each year on the 2nd Monday in February, at the same day as the regular municipal election of the city of Bath. For the convenience of the voters, the ballot for trustees of the district shall be printed at the end of the ballot used for such municipal election. If this act shall be accepted by the legal voters of the district, as provided in section 7, prior to the 31st day of December, 1949, the 1st board of trustees of the district shall be elected at the municipal election held on the 2nd Monday in February, 1950. If this act shall be accepted after December 31, 1949, but before September 1, 1950, the 1st board of trustees shall be elected at a special election of the district, called according to the provisions of section 7 hereof. If this act shall be accepted on or after September 1, 1950, and before January 1, 1951, the 1st board of trustees shall be elected on the 2nd Monday in February, 1951.

No member, except the treasurer, shall receive any compensation for his

services, and the treasurer shall receive in full compensation for his services an amount to be fixed by the board of trustees of said district, 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 (which shall be made to coincide with the fiscal year of the city of Bath) the trustees shall make a detailed report of their doings, of the financial condition of said district and the physical condition of said school buildings, and 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, signed and filed with the municipal officers of said city, and a copy thereof filed with the city clerk of the city of Bath which shall be available for examination by the public.

Sec. 4. How financed. To procure funds for the purposes of this act and for such other expenses as may be necessary for the carrying out of said purposes, including funds to meet the first interest payment on bonds of the district in any year in which such bonds are issued after provision can be made under section 5 to meet such interest payment, the said district, by its trustee, is hereby authorized from time to time to borrow money and to issue its temporary notes therefor. Such notes shall mature not later than 1 year from their date but may be renewed from time to time, provided that the period of the original note plus that of renewals thereof shall not exceed 2 years; and provided further, that the amount of such temporary notes at any 1 time outstanding shall not exceed \$300,000 in aggregate principal amount. To provide funds for the aforesaid purposes, excluding the payment of interest on bonds but including the funding of any temporary notes or renewals thereof, said district, by its trustees, is hereby authorized, from time to time, to borrow money and to issue its bonds or notes therefor, not to exceed in the aggregate the sum of \$300,000. All bonds and notes of said district 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 provisions of said section shall be applicable thereto. The said bonds and notes shall be legal investments for savings banks. Each bond and note of the district shall have inscribed upon its face the words: "Bath School District", and shall bear an impression of the district seal. Each bond or note shall be dated at such time, be in such denomination, bear such rate of interest, not exceeding 5% per year payable semi-annually, be in such form,

subject to the provisions of this act, and be sold in such manner, at public or private sale, as shall be determined by a majority vote of all said trustees; provided, however, that notes maturing in not more than 1 year from their dates may be discounted, such discount to be treated as interest paid in advance. Each issue of said bonds or notes shall mature in substantially equal annual installments so that the 1st installment shall be payable 1 year after the date of the issue and the last installment not later than 20 years from the date hereof; provided, however, that if the proceeds of an issue of bonds or notes are used in whole or in part to fund temporary notes of the district or renewals thereof, the period during which such issue of bonds or notes shall be outstanding plus the period of the loan represented by such temporary note or renewals thereof, shall not exceed 20 years. All notes or bonds issued by said district shall be signed by the treasurer and president of the district, and if coupon bonds be issued, each coupon shall be attested by a facsimile of the signature of the treasurer printed thereon. Any premium received from the sale of said bonds or notes, less the cost of preparing, issuing and marketing them, shall be applied against the payment of the principal of the first of said bonds or notes to mature.

A vote or resolution of the trustees authorizing the issue of bonds or notes under this act shall not become effective before the expiration of a period of 15 days from the date upon which such vote or resolution is adopted. If within said period a petition, signed by 500 registered voters of the district, shall be filed with the president or the clerk of the board of trustees, asking that the question of whether such bonds or notes should be issued be submitted to the voters of the district, such vote or resolution of the trustees shall be further suspended from becoming effective and the trustees shall immediately reconsider such vote or resolution. If such vote or resolution is not rescinded by the trustees, the trustees shall submit the question of whether such bonds shall be issued to the voters of the district at a special election to be held in said district within 60 days. Said special election shall be called on a notice stating the time and place it is to be held and setting forth the resolution or vote of the trustees authorizing said bonds or notes, the approval or disapproval of the issue of which is to be submitted to the voters of the district at such special election, together with the proposed form of the ballot to be used at such special election. The notice for said special election shall be signed by at least a majority of the trustees of the district and published in a newspaper having a circulation in the city of Bath, at least 3 times prior to the date of such special election, the 1st such publication to be at least 10 days prior to such elec-

tion and the last such publication to be not later than 2 days before such election. At such special election the vote on the question of whether such bonds or notes shall be issued shall be by ballot.

The form of the ballot to be used shall be substantially as follows:

(Back of the Ballot)

“OFFICIAL BALLOT”

BATH SCHOOL DISTRICT

Date

(Facsimile of Signatue of the Clerk of the Bath School District)

(Face of the Ballot)

Shall bonds (notes) of the Bath School Dsistrict be issued to the amount of \$..... bearing interest not to exceed per cent for the purpose of procuring funds for the following purposes, viz:

If in favor of the bond (note) issue, make a cross (X) or check mark (✓) in this square

If opposed to the bond (note) issue, make a cross (X) or check mark (✓) in this square

If a majority of the qualified voters voting at such election approve the issue of said bonds or notes, the vote or resolution of the trustees authorizing said bonds or notes shall become effective. Except as otherwise herein provided, such special election shall be called, advertised and conducted according to the law relating to municipal elections; provided, however, that the board of registration of the city of Bath shall not be required to prepare for posting or the city 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 special election, the first 2 days thereof to be devoted to the registration of voters, and the last day thereof to enable the board to verify the correction of said lists and to complete and close up their records of said sessions.

The said district is hereby authorized and empowered to enter into such an agreement with the federal government or the state of Maine, or any agency thereof, or any corporation or board authorized by the federal government or the state of Maine 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. Provisions for payment of serial bonds. The trustees of the "Bath School District" shall determine the sum to be paid annually to meet the bonds or notes falling due and what amount is required each year to meet the interest on said bonds or notes, and other necessary expenses of the district (including the estimated cost of paying the principal of and interest on such bonds or notes not then issued but expected to be issued within such year), and shall each year, 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 board of assessors of the city of Bath, requiring said board to assess the sum so determined upon the taxable polls and estates within said district and to commit their assessment to the constable or city treasurer and tax collector of said city of Bath, who shall collect and 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 levied, the city treasurer and tax collector of said city 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 city treasurer 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 Sagadahoc 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. 6. Provisions for termination of the board of trustees. At such time as the school buildings shall have been purchased or 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 board of education of the city of Bath, 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 city of Bath. All moneys, if any be remaining in the treasury of the board of trustees at the time it ceases

to function, shall be paid over to the city treasurer and tax collector of the city of Bath and shall be used only for school purposes.

Sec. 7. 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 within the limits of the before-defined district at any regular election or at any special election called and held for that purpose, or at any election called for the purpose of voting upon any state referendum. Such election shall be called, advertised and conducted before January 1, 1951 according to the law relating to municipal elections; provided, however, that the board of registration in said city of Bath shall not be required to prepare for posting, or the city 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 city clerk shall reduce the subject matter of this act to the following question: "Shall the act creating the Bath 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. If a majority of the votes cast by the legal voters of said territory are in favor of the acceptance of this act, this act shall take full effect; provided that the total number of votes cast for and against the acceptance of this act at said election equals or exceeds 20% of the total vote for all candidates for governor in said city at the next previous gubernatorial election. The result in said district shall be declared by the municipal officers of the city of Bath and due certificate filed by the city clerk with the secretary of state.