

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 1**

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H. P. 5

House of Representatives, January 9, 1951.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Jennings of Strong.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-ONE

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**AN ACT to Incorporate the Town of Phillips School District.**

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**Emergency preamble.** Whereas, the present buildings which house the schools of the town of Phillips are overcrowded, inadequate and unsafe; and

Whereas, it is imperative that action be taken at the earliest possible moment to relieve these conditions; and

Whereas, to remedy these conditions construction of an elementary building must be commenced immediately; 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 for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. Town of Phillips School District, incorporated.** Subject to the provisions of sections 7 and 8 hereof, the inhabitants of the town of Phillips shall constitute a body politic and corporate under the name of the "Town of Phillips School District" for the following purposes: of acquiring land within the said town for school purposes; of erecting, equipping

and maintaining on said land a school building for elementary grades of the public school system; and for leasing or letting said property to said town; all for the benefit of the inhabitants of said district.

**Sec. 2. How managed.** All the affairs of said district, as are herein provided, shall be managed by a board of trustees composed of 5 members who shall be elected as is hereinafter provided.

**Sec. 3. Board of trustees, how chosen; tenure of office; vacancies; organization; compensation; reports.** As soon as the acceptance of this act, as hereinafter provided, the legal voters of the town, who are residents thereof qualified to vote for governor, shall elect 5 trustees of said district. This election may take place at the meeting where said act is considered for approval by the voters of said town; if and after said act is approved.

The trustees elected shall hold office as follows: 1 trustee shall hold office for 1 year; 1 shall hold office for 2 years; 1 shall hold office for 3 years; 1 shall hold office for 4 years; and 1 shall hold office for 5 years, except as is hereinafter provided. At the 1st election, the length of term of each person elected shall be designated; and each member elected at subsequent elections shall serve a full term of 5 years. At each annual town meeting of the town, beginning with the annual meeting following the 1st election of trustees, 1 trustee shall be elected to fill the vacancy of the retiring member and shall serve until the annual meeting occurring 5 years thereafter. No member of the superintending school committee shall be eligible to serve as trustee. All trustees shall be eligible for reelection.

When any trustee ceases to be a resident of said district he vacates the office of trustee. When any vacancy occurs upon the board of trustees because of change of residence of trustees, resignation, death, or any cause except normal expiration of term of office, a trustee shall be appointed at a joint session of the selectmen of the town of Phillips and the remaining trustees of said district, to serve until the next annual meeting, at which time a member of said board shall be elected to fill the unexpired portion of the term of the vacant office.

The board of trustees shall hold a meeting within 15 days from the date of their election, at which meeting they shall organize by the election from their own membership of a president, clerk and treasurer, and adopt a corporate seal. They may employ all needful officers and agents for the proper conduct and management of the affairs of the district; and annually thereafter, within 2 weeks after each annual town meeting, the trustees shall organize as hereinbefore provided.

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 in excess of \$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 cost of such bond shall be paid by the district.

At the close of each fiscal year of said district (which shall coincide with the fiscal year of the town of Phillips) the trustees shall make a detailed report of their doings, of the financial condition of said district, of the physical condition of its property, and of such other matters as shall show the inhabitants thereof how said trustees are fulfilling their duties and obligations. Such report shall be made and filed with the municipal officers of the town of Phillips in time to be published in the annual town report.

**Sec. 4. How financed.** To procure funds for the purpose of this act and such other expense as may be necessary to the carrying out of said purposes, the said district, by its trustees, is hereby authorized to issue its bonds and notes, not to exceed \$80,000. Each bond shall have inscribed upon its face the words: "Town of Phillips School District," and shall bear interest at such rates as the trustees may determine, payable semiannually. Such bonds 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 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. 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 expense of such bond shall be paid by the district.

**Sec. 5. Sinking fund.** In case said bonds 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 when they become due, and not less than 5% of the total cost of the school building and its appurtenances, and the expenses incidental to the carrying out of the purposes of this act shall be added to said sinking fund each year, which may be deposited in a savings bank within the state or may be invested in any United States Government bonds, state bonds or the bonds of any political subdivision thereof as the trustees may determine. Whenever any bonds 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 sink-

ing fund, redeem or purchase such bonds and cancel them. In no case shall bonds so cancelled or redeemed be reissued. In case the amount in the sinking fund shall not be sufficient to pay the total amount of the bonds falling due at any one time, authority to issue new bonds sufficient to redeem so many of said bonds as cannot be redeemed from the sinking fund is hereby granted to said district, but in no case shall new bonds run beyond 20 years from the date of the original issue.

**Sec. 6. Provisions for sinking fund.** The trustees of the "Town of Phillips School District" shall determine the sum to be paid annually into the sinking fund, or if the bonds authorized by this act shall be issued to mature serially what amount is required each year to meet the bonds 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 warrants in the same form as the warrant of the treasurer of the state for taxes, with proper changes, to the assessors of the town of Phillips, 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 Phillips, who shall have all powers and authority 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 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 the 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 then remain unpaid, to the sheriff of Franklin 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 the revised statutes, is hereby vested in the trustees of said district in relation to the collection of taxes within said district.

**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 trus-

tees shall automatically cease to function and all of the duties, management, care and maintenance shall revert to the school board of the town of Phillips 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 town of Phillips. 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 town treasurer of the town of Phillips. This money shall be used only for school purposes and shall be kept separate from all other money until its expenditure is authorized by the selectmen of the town of Phillips as hereinbefore provided for.

**Sec. 8. Emergency clause; effective date; referendum.** In view of the emergency cited in the preamble, this act shall take effect when approved, only for the purpose of permitting its submission to the legal voters of the town of Phillips at any regular or special town meeting called and held for the purpose not later than 4 months after the approval of this act. Such special election shall be called, advertised and conducted according to law relating to municipal elections; provided, however, that the selectmen in the town of Phillips shall not be required to prepare for posting or the town clerk to post a new list of voters, and for the purposes of registration of voters, said selectmen shall be in session 1 hour preceding such election. The town clerk shall reduce the subject matter of this act to the following question: "Shall the act to Incorporate the Town of Phillips School District be accepted?" and the voters shall indicate by ballot 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 and 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 in said district shall be declared by the municipal officers of the town of Phillips and due certificate thereof filed by the town clerk with the secretary of state.