

MAINE STATE LEGISLATURE

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N I N E T Y - F I F T H L E G I S L A T U R E

Legislative Document

No. 6

H. P. 29

House of Representatives, January 10, 1951.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Dunham of Ellsworth.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-ONE

AN ACT to Incorporate the Town of Surry School District.

Emergency preamble. Whereas, the present elementary school building in the town of Surry is outmoded and inadequate to the needs of the town; and

Whereas, the lighting, water and sanitary conditions in this building are entirely inadequate; and

Whereas, expansion and renovation of the present building seems an unwise expenditure of public money and would constitute but a temporary solution of the problem; and

Whereas, the registration in the schools of Surry has increased 45% since 1947; and

Whereas, the elementary education has been curtailed for the school year 1950-51 by discontinuing the subprimary grade; and

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

Whereas, if this act cannot be voted upon until 90 days after adjournment of the legislature, construction will be held up for another year; and

Whereas, at a special town meeting held on August 25, 1950 the citizens of Surry did vote to authorize the selectmen and school committee to present a bill for the creation of a school district; 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. Incorporation; name; purposes. Subject to the provisions of sections 7 and 9 hereof, the inhabitants of and the territory within the town of Surry are hereby created a body politic and corporate under the name of "Town of Surry School District" for the purpose of acquiring property within said town 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 school buildings and related athletic and recreational facilities; for the purpose of maintaining elementary schools; for the purpose of completing, grading, furnishing, rebuilding, renovating and otherwise bettering the condition of any, or all, buildings within said town used for school purposes or which may hereafter be used for school purposes; for the purpose of leasing or letting any property of said district to said town; 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; all for the benefit of the inhabitants of said town.

Sec. 2. Trustees, powers and duties; limitations. All the affairs of said district (except election of teachers who shall serve in the said 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 board of the town of Surry) shall be managed by a board of 5 trustees who shall be bona fide residents of the town of Surry and who shall be elected as hereinafter provided. The 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 elected, tenure of office; organization of board; officers, vacancies; compensation; reports. The election of the trustees may take place at a regular or special town meeting in the same manner as municipal officers of the town of Surry are chosen and who shall hold office

for a period of 5 years from the date of their election, except as otherwise expressly provided for herein. Removal from the town of Surry by any trustee shall ipso facto vacate his office. Vacancies in the board of trustees occurring because of removal from town, resignation or death, or any cause except expiration of the official term of office, shall be filled by the board of selectmen of the town of Surry until the next regular town meeting, at which time a trustee shall be elected by the voters in the same manner as the original board to serve for the remainder of the unexpired term. Vacancies occurring due to expiration of a term of office shall be filled by election at the regular town meeting.

The board members within 15 days after they have been chosen 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 elected shall determine by lot the term of office of each trustee so that 1 trustee shall retire each year at the time of the regular town meeting and the term of office of the 1st trustee to expire shall end at the close of the municipal year of the town of Surry following the acceptance of this act. And thereafter, the term of office of a trustee shall expire and his successor shall be elected by the legal voters of Surry at the close of each municipal year.

The trustees shall 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. The trustees thus organized shall have the right and authority to employ such officers and agents as they may deem necessary for the proper conduct of the affairs of the district and shall at once provide to carry out the duties of their office.

The trustees shall serve without compensation, except the treasurer who may receive for his services an amount to be fixed by the board of trustees not to exceed \$100 a 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 each fiscal year the trustees shall make a detailed report of their doings, of the financial condition of the district, and the physical condition of said school building or buildings, and also such other matters and things pertaining to the 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. 4. 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 trustees are hereby authorized from time to time to borrow money and to issue its bonds and notes therefor, but shall not incur a total indebtedness exceeding the sum of \$25,000. Each bond and note shall have inscribed upon its face the words "Town of Surry School District," shall bear interest at such rates as the trustees shall determine, payable semiannually, and shall be subject to such other provisions as the trustees shall determine. Said bonds may be issued to mature serially, or made to run for such periods with call provision as said trustees may determine, but none of which shall run for a longer period than 20 years. All bonds and notes issued by said district shall be signed by the treasurer and countersigned by the president of said district, and if coupon bonds be issued, each coupon shall be attested by the facsimile signatures of the president and treasurer printed thereon. 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, and all the provisions of said section shall be applicable thereto. The said bonds and notes shall be legal investments for trust companies and savings banks. The said district is hereby authorized and empowered to enter into such an agreement with the federal government and/or state government, or any agency thereof or any corporation or board authorized by the federal government and/or state 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 any 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 not be less than 1% of the total principal amount of such bonds or notes originally issued during the first 6 years from the date of issue, and not less than 4% of the total principal amount of such bonds or notes originally issued annually thereafter. 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 national bank, savings bank or trust company 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 and 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 refund 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 20 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 Surry 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 treasurer of state for taxes, with proper changes, to the assessors of the town of Surry, 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 Surry, who shall have all authority and powers to collect said taxes as is vested by the 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 Hancock 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. Provisions for termination of the 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 board of the town of Surry or such other board as may at that 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 Surry. 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 Surry. This 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 Surry to be expended for one or more of the purposes stated in this act.

Sec. 8. Authority to receive property from the town of Surry. The "Town of Surry School District" is hereby authorized to receive from the town of Surry, and said town of Surry is hereby authorized to transfer and convey to said district, any property, real, personal or mixed, now or hereafter owned or held by the town of Surry for school purposes, and any sums of money or other assets which the said town of Surry has raised or may raise, either by taxation, borrowing or otherwise, for school purposes.

Sec. 9. Referendum; effective date. In view of the emergency cited in the preamble hereof, this act shall take effect when approved 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 Surry. Such special meeting or annual town meeting shall be held not later than 3 months after the effective date of this act. In the event a special meeting is called for the purpose, it shall be called, advertised and conducted according to the law relating to municipal elections; provided, however, that the board of registration in said town of Surry 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 on which he shall reduce the subject matter of this act to the following question: "Shall the Act to Incorporate the Surry 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. This act shall take effect for all the purposes thereof immediately upon its acceptance by a majority vote 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 Surry and due certificate filed by the town clerk with the secretary of state.