

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 11**

H. P. 28

House of Representatives, January 10, 1951.

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

HARVEY R. PEASE, Clerk

Presented by Mr. Stevens of Boothbay.

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**STATE OF MAINE**

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-ONE

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**AN ACT to Amend the Charter of the Boothbay Region Community School District.**

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**Emergency preamble.** Whereas, the charter granted to the Boothbay Region Community School District by the 94th legislature, being chapter 24 of the private and special laws of 1949, has been duly accepted by the legal voters of the towns of Boothbay, Boothbay Harbor and Southport; and

Whereas, the voters of the town of Southport have since duly decided to withdraw from the district and have given notice of their intention to withdraw; and

Whereas, in view of the withdrawal of the town of Southport, the district has deemed it advisable to postpone construction of school facilities and, accordingly, has borrowed no money, acquired no assets and incurred no debts; and

Whereas, the present high school building which serves the towns of Boothbay, Boothbay Harbor and Southport is overcrowded, inadequate and unsafe; and

Whereas, it is imperative that action be taken at the earliest possible moment to relieve these conditions; 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. P. & S. L., 1949, c. 24, § 1, amended.** Section 1 of chapter 24 of the private and special laws of 1949 is hereby amended to read as follows:

**'Sec. 1. Incorporation; name; purposes.** Subject to the provisions of this act, the inhabitants of and the territory within the towns of Boothbay, Boothbay Harbor and Southport, and any other towns in the immediate vicinity, or such of them as shall by vote of their inhabitants join therein, are hereby created a body politic and corporate under the name of "Boothbay Region 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 completing, grading, furnishing, rebuilding, renovating and otherwise bettering the condition of any or all buildings within said district used for school purposes or which may hereafter be used for school purposes;~~ 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 community school; all for the benefit of the inhabitants of said district. For the purposes of this act, the word "school" is defined to mean grades 7 to 12, inclusive. All provisions of the general law relating to public education shall apply to said community school.'

**Sec. 2. P. & S. L., 1949, c. 24, § 2, amended.** The 1st paragraph of section 2 of chapter 24 of the private and special laws of 1949 is hereby amended to read as follows:

'All of the affairs of the district relating to the acquisition of property and construction of school facilities shall be managed by a board of trustees, composed of three members from each participating town, to be elected at the town meeting at which said town votes to accept the terms of this act or at a subsequent meeting of said town **and serve until his successor, if any, has been elected or appointed and qualified.** Vacancies shall be filled by appointment by the remaining trustees of the town in whose representation the vacancy occurs **until a successor trustee is elected at the**

**next annual town meeting in said town.** The trustees so elected, as soon as is convenient thereafter, shall meet for organizational purposes upon call of one of their number after reasonable notice. The said board shall at its 1st meeting and annually in April thereafter choose by ballot from its membership a chairman and a treasurer, both to serve without compensation. The superintendent of schools of the community school shall ex officio become the secretary of said board. 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 chairman. The cost of such bond shall be borne by the district.'

**Sec. 3. P. & S. L., 1949, c. 24, § 2, amended.** The 1st sentence of the 3rd paragraph of section 2 of chapter 24 of the private and special laws of 1949 is hereby amended to read as follows:

'When the said school facilities are acquired, constructed, completed and ready for use and occupancy and formally turned over to the community school committee, as hereinafter provided, the board of trustees shall, at the time of said transfer, submit to the community school committee a complete financial report and the community school committee shall audit, or cause to be audited, the report and submit it to the voters of the district at the next annual meeting thereof and if approved at said meeting the **duties and liabilities** of the board of trustees shall cease and determine and the bond of its treasurer may be discharged.'

**Sec. 4. P. & S. L., 1949, c. 24, § 3, amended.** The 1st paragraph of section 3 of chapter 24 of the private and special laws of 1949 is amended to read as follows:

'To procure funds for the purposes of **acquiring property for school and related athletic and recreational purposes and of erecting and enlarging a school building or building on said property and originally equipping the same as authorized by this act**, and for such other expenses as may be necessary to carry out said purposes, the said district, through its trustees, is hereby authorized from time to time to borrow money and to issue its bonds and notes therefor, but shall not incur a ~~total~~ indebtedness in excess of 10% of the total **of the last preceding** valuation of the participating towns. All sums to be borrowed to carry out the purposes of this act shall be fixed at an annual meeting of said district or at a special meeting thereof called and held for the purpose at **which 10% of the voters of said district shall constitute a quorum**. Each bond and note shall have inscribed upon its face the words "Boothbay Region Community School District," shall ~~bear interest at such rates as said trustees shall determine, payable~~

~~semi annually~~ be dated at such time or times, shall be in such denomination, shall bear such rate of interest, not exceeding 5% per annum, payable semiannually, be in such form, subject to the provisions of this act, and be sold in such manner, at private or public sale, as said trustees shall determine. The district is hereby authorized to use the proceeds of said bonds and notes to meet the interest due thereon during the first year of issue. 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 40 years from the date of the original issue thereof. Said bonds may be made callable at any interest date at or without premium and may be refunded within the period of the original time limit set. All bonds and notes issued by said district shall be signed by the treasurer of the board of trustees and countersigned by the chairman of said board and if coupon bonds be issued, each coupon shall be attested by the facsimile signatures of the chairman and treasurer printed thereon.'

**Sec. 5. P. & S. L., 1949, c. 24, § 4, amended.** Section 4 of chapter 24 of the private and special laws of 1949 is hereby amended to read as follows:

**'Sec. 4. Community school committee; organization, powers, duties, limitations.** The community school committee shall consist of the members of the superintending school committee of each of the participating towns and membership on the community school committee shall be coterminous with the member's term of office on the superintending school committee of the town which he represents. Vacancies shall be filled by the superintending school committee of the town in whose representation the vacancy occurs. ~~Six months prior to the date on which it is estimated by the board of trustees that the school facilities or any unit thereof will be completed, said board shall notify the superintendent of schools of the estimated completion date and he in turn shall give notice thereof to the superintending school committees of the participating towns.~~ **Not later than the time when the district shall first issue notes or bonds under the provisions of section 3 of this act, the** ~~The~~ said superintending school committees shall ~~thereupon~~ meet and organize into the community school committee and shall choose by ballot from its membership a chairman, a treasurer and a finance committee composed of **at least 1** member from each town. The treasurer may receive such reasonable compensation as is voted by said committee and shall give bond to said committee in such amount as it shall determine, the cost thereof to be borne by the district. The treasurer shall be custodian of all funds accruing to the district **except proceeds of bonds or notes issued under section 3** and shall pay all bills when properly attested by the superintendent of schools and approved by

2 members of the finance committee, **provided, however, that bills and expenses arising out of the acquisition of land or the construction and original equipping of school buildings and related athletic and recreational facilities to be paid with the proceeds of bonds or notes issued under section 3, shall be paid by the treasurer of the board of trustees with the approval of at least one other trustee designated for the purpose by the board of trustees.** Election of officers shall be held annually at the annual meeting of the committee to be held in April.

Upon transfer of the school facilities and the balance of any funds then remaining in its possession by the board of trustees to the community school committee, as hereinbefore provided, the said committee shall conduct all of the affairs of the district and in so doing, acting for the district, shall have and exercise all the powers and authority necessary to carry out the purposes of this act. The community school committee shall have the power to make by-laws to facilitate the operation of the proposed school as long as these by-laws are not repugnant to the terms of this act or the general statutes. In addition to the duties and powers enumerated herein, 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.'

**Sec. 6. P. & S. L., 1949, c. 24, § 11, amended.** Section 11 of chapter 24 of the private and special laws of 1949 is hereby amended to read as follows:

**'Sec. 11. Annual meeting of district; qualifications of voters of district.** After the acceptance of said charter and the organization of the board of trustees, the annual meeting of the district shall be held within the district, and at the community school building when completed, on the 1st Monday of February between 9 o'clock in the forenoon and 8 o'clock in the afternoon. Notice of said meeting, signed by the chairman of the board of trustees or chairman of the community school committee, and specifying the time and place at which the meeting is to be held, shall be posted in some public and conspicuous place in each of the towns comprising the district, not less than 7 days before the meeting. Special meetings may be called by the board of trustees or the community school committee in like manner at any time, and notice of special meetings shall state the business to be transacted thereat. ~~Ten per cent of the voters qualified to vote in such meeting shall constitute a quorum.~~ If for any reason a legally sufficient annual meeting is not held on the date provided above, a meeting in lieu thereof may be called in like manner to be held within 1 month from said date. Every person resident in said district and qualified to vote for governor

in the town in which he resides shall be entitled to vote in any meeting of the district.'

**Sec. 7. P. & S. L., 1949, c. 24, § 12, amended.** The 2nd paragraph of section 12 of chapter 24 of the private and special laws of 1949 is hereby repealed and the following enacted in place thereof:

**'When the inhabitants of a participating town have indicated their desire to withdraw from the district by a 2/3 vote of the legal voters in said town present and voting at a special meeting, called and held in the manner provided by law for the calling and holding of town meetings, such withdrawal may be authorized by special act of the legislature upon such terms as shall be contained in such special act, provided, however, no such withdrawal shall be permitted while such community school district shall have outstanding indebtedness.'**

**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 each of the participating towns of the Boothbay Region Community School District voting at any regular town meeting or at a special meeting thereof within each respective town called and held for the purpose not later than 2 months after the approval of this act.

Each such special election shall be called, advertised and conducted according to the law relating to municipal elections; provided, however, that the selectmen in the respective towns 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 clerk in each respective town shall reduce the subject matter of this act to the following question: "Shall the Act to Amend the Charter of the Boothbay Region 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 each of said participating towns and returns filed by the town clerks with the secretary of state. This act shall take effect when approved by a majority vote of the legal voters within each respective town voting at said election.