

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. 19

S. P. 37

In Senate, January 11, 1951.

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

CHESTER T. WINSLOW, Secretary.

Presented by Senator Noyes of Hancock.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-ONE

AN ACT to Incorporate the Deer Isle School District.

Emergency preamble. Whereas, the accommodations for educational purposes for pupils in the town of Deer Isle are inadequate; and

Whereas, the overcrowded condition of the school in the town of Deer Isle is detrimental to the public health and safety; and

Whereas, new building construction is vitally necessary; 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 8 and 9 hereof, the inhabitants of and the territory within the town of Deer Isle are hereby created a body politic and corporate under the name of "Deer Isle School District" for the purpose of acquiring property within the said town for school purposes; erecting, enlarging, repairing, equipping and maintaining on said property a school building and related athletic and

recreational facilities; and for the purpose of maintaining an elementary school, with the right to lease or let 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, except the election of teachers who shall serve in said school, the fixing of their salaries, the courses of study, the terms of school and other matters pertaining to the education of pupils, which matters shall be controlled by the Deer Isle school committee, shall be managed by a board of 5 trustees, who shall be elected as hereinafter provided.

Sec. 3. Trustees, how elected; powers and duties; terms; reports. The trustees shall be elected, subject to the acceptance of this act, by a plurality vote of the legal voters of said district voting at the town meeting provided for in section 9, in the same manner as other elected officials of the town are elected. The result of such election shall be declared by the municipal officers of the town of Deer Isle and due certificate thereof filed with the town clerk. The term of office of the trustees shall begin on the date of the special election provided for in this act. As soon as convenient after all the members of said board have been so chosen, the trustees shall hold a meeting in the town of Deer Isle, to be called by one of the trustees upon such reasonable notice therefor as he may deem proper. They shall organize by the election from their own membership of a president, a clerk and a treasurer, adopt a corporate seal and may employ all needful officers and agents for the proper conduct and management of the affairs of the district; and annually thereafter, at the beginning of each municipal year, the trustees shall organize as herein provided.

At the first meeting, the trustees so elected shall determine by lot the term of office of each trustee, so that 1 trustee shall retire each year and the term of office of the 1st trustee to expire shall end at the end of the municipal year of the town of Deer Isle following the acceptance of this act; and thereafter, the term of office of a trustee shall expire and his successor shall be elected by a plurality vote of the voters of said district voting upon the date of the annual election of said town and as herein provided for the 1st election of trustees. The trustee so elected shall serve the full term of 5 years, and in case any vacancy arises in the membership of the board of trustees, it shall be filled by the board of selectmen of said town of Deer Isle for the unexpired term. 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 such trustees shall be eligible for reelection.

No member, except the treasurer, shall receive compensation for his ser-

vices. The treasurer shall receive in full compensation for his services an amount to be fixed by the board of selectmen of said town of Deer Isle. The treasurer shall give bond to the district in such amount and with such sureties as said 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.

The board of trustees, acting for said district, shall have and exercise all of the powers and authority necessary to carry out the purposes of this act and the powers and authority granted herein. At the close of each fiscal year, the trustees shall make a detailed report of their doings, of the financial condition of said district and the physical condition of said school building, and also 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, 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 such other expense as may be necessary to the carrying out of said purposes, and to reimburse the town of Deer Isle for such sums of money, if any, as the said town has raised either by taxation or by bond issue for said purposes and turned over to it, the trustees of said district are hereby authorized to borrow money and to issue its bonds and notes therefor, but shall not incur a total indebtedness exceeding the sum of \$60,000 at any one time outstanding. Each bond and note shall have inscribed upon its face the words "Deer Isle 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 from the date of the original issue thereof. All notes and bonds 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 a facsimile signature of the president and treasurer printed thereon. All bonds may be made callable at the discretion of the trustees of the district at any interest date. 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 or state government, or any agency thereof, or any corpora-

tion or board authorized by the federal 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 case any bonds or notes 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 the same when they become due, and not less than $3\frac{1}{3}\%$ of the total principal amount of such bonds or notes originally issued shall be added to the 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 bonds of any political subdivision thereof as the trustees may determine. Whenever any bonds or notes issued by said district become due or can be purchased on favorable terms, said trustees shall, if sufficient funds have accumulated in said sinking fund, redeem or purchase said bonds or notes and cancel them. In no case shall bonds or notes so cancelled or redeemed be reissued. In case the amount in the sinking fund shall not be sufficient to pay the total amount when due of the bonds or notes for which the 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 district 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 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 Deer Isle 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 and notes and other necessary expenses in the district, and shall each year thereafter, 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 Deer Isle, 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 Deer Isle, 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 the 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, 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 of 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. Authority to receive property from the town of Deer Isle. The Deer Isle school district is hereby authorized to receive from the town of Deer Isle, and said town of Deer Isle 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 Deer Isle for school or other purposes, and any sums of money or other assets which the said town of Deer Isle has raised or may raise, either by taxation, borrowing or otherwise for school purposes. Before transferring or conveying any of said property or turning over any of said funds or assets, the municipal officers of the town of Deer Isle shall be duly authorized to do so by a majority vote of the legal voters present at any annual or special town meeting, the call of which shall have given notice of the proposed action.

Sec. 8. Provision 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 trustees shall automatically cease to function and all of the duties, management, care and maintenance shall revert to the school board of the town of Deer Isle 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 Deer Isle. All money, if any remaining in the treasury of the board of trustees at the time it ceases to function, shall be given to the town treasurer of the town of Deer Isle. This money shall be used only for school purposes and shall be kept separate from all

other money until authorized by the selectmen of the town of Deer Isle to be expended as hereinbefore stated.

Sec. 9. 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 Deer Isle at a town meeting to be specially called and held for the purpose, and for the purpose of electing trustees as provided for in section 3, on the same day as the regular annual town meeting or at a special meeting of the inhabitants of the proposed district held not later than 4 months after the approval of this act. If held on the same day as the regular annual town meeting, said special meeting shall be called concurrently with the town meeting and the voting on the acceptance of this act shall be by ballot prepared for the purpose by the town clerk as provided hereunder and shall be on the same day and at the same place as the voting for the municipal officers at the regular town meeting of the said town of Deer Isle. If a special meeting of the inhabitants of the proposed district is called and held for the purpose of accepting the provisions of this act and for the purpose of electing trustees as provided in section 3 hereof, such meeting shall be called, advertised and conducted by the officers of the town of Deer Isle according to law relating to municipal elections; provided, however, that the board of registration in said town of Deer Isle shall not be required to prepare for posting nor the town clerk to post a new list of voters.

The town clerk shall prepare the required ballots upon which he shall reduce the subject matter of this act to the following question: "Shall the act to Incorporate the Deer Isle 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 hereof immediately upon its acceptance by a majority of the legal voters, voting at said meeting.

The result of said district election shall be declared by the municipal officers of the town of Deer Isle and due certificate filed by the town clerk with the secretary of state.