

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. 92

H. P. 161

House of Representatives, January 18, 1951.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Dickey of Brooks.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-ONE

AN ACT to Incorporate the Town of Burnham School District.

Emergency preamble. Whereas, the accommodations for the schools in the town of Burnham are inadequate to accommodate the pupils therein; and

Whereas, the school buildings were destroyed by fire and pupils of said schools have been assigned to other places, particularly to the town hall, which causes a serious over-crowding therein; and

Whereas, further delay in building a suitable school building or buildings will endanger the health of the students in said town and will prevent their receiving the proper instruction to which they are entitled; and

Whereas, it is impossible for the town of Burnham to borrow the necessary money with which to build a school building or buildings; and

Whereas, because of rapidly mounting prices of materials and services, it is highly desirable that this school district be created at once so that it may be accepted by the inhabitants of the town of Burnham at the annual town meeting; and

Whereas, in the judgment of the legislature, these facts create an emergency within the meaning of the constitution of Maine and require the fol-

lowing 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 Burnham School District, incorporated. Subject to the provisions of this act, the inhabitants of and the territory within the town of Burnham shall constitute a body politic and corporate under the name of the "Town of Burnham School District" for the purpose of acquiring land within the said town for school purposes; and erecting, equipping and maintaining on said land a school building; with the right to lease or let said property to said town; all for the benefit of the inhabitants of said district.

Sec. 2. Trustees; how chosen; organization; compensation. All the affairs of said district as are herein provided shall be managed by a board of trustees composed of 3 members who shall hold office for the period of 3 years from the date of their appointment except as hereinafter provided. Three trustees shall be chosen by the municipal officers of the town of Burnham as soon as may be after the acceptance of this act as hereinafter provided. Removal from the town of Burnham by any trustee shall ipso facto vacate his office. Vacancies upon the board of trustees occurring because of removal from town, resignation, death or any cause shall be filled by the municipal officers of the town of Burnham in the same manner in which the original board was chosen.

The members of the board, as soon as convenient after they have been so chosen, shall meet upon call of one of their number after such reasonable notice as he shall deem proper. At the first meeting the trustees so appointed 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 first trustee to expire shall end at the close of the municipal year of the town of Burnham 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 Burnham at the close of each municipal year of said town. They shall then 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. Thus organized, the trustees shall have the right and authority to employ such officers and agents as they may deem necessary for the proper conduct and management of the affairs of the district.

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 to exceed \$100 per 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 fund of the district. At the close of the 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. 3. How financed. To procure funds for the purposes of this act and such other expense as may be necessary for the carrying out of said purposes, the said trustees are hereby authorized to issue the district's bonds and notes, but shall not incur a total indebtedness exceeding the sum of \$15,000. Each bond shall have inscribed upon its face the words: "Town of Burnham 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 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 are issued each coupon shall be attested by a facsimile signature of the president and treasurer printed thereon. The said district is hereby authorized and empowered to enter into such an agreement with the state or federal government or any corporation or board authorized by the state or federal 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. 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 savings banks.

Sec. 4. Sinking fund. In case said bonds and 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. The amount to be paid annually into such sinking fund shall not be less than 5% of the total principal amount of such bonds or notes originally issued. Funds in said sinking fund 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 or notes 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 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 of the bonds and notes falling due at any one time, authority to issue new bonds or notes sufficient to redeem so many of said bonds or notes as cannot be redeemed from the sinking fund is hereby granted to said district but in no case shall new bonds or notes run beyond 20 years from the date of the original issue.

Sec. 5. Provisions for sinking fund. The trustees of the "Town of Burnham School District" shall determine the sum to be paid annually into the sinking fund, or, if the bonds or notes authorized by this act shall be issued to mature serially, what amount is required each year to meet the bonds or notes 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 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 Burnham 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 taxes of said town of Burnham 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 the case of the 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 said 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 Waldo county, requiring him to levy his distress and sale on real and personal property of any of the inhabitants of said district, and the sheriff or either 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 law, is hereby vested in the trustees of said district in relation to the collection of taxes within said district.

Sec. 6. Authorization. The "Town of Burnham School District" is

hereby authorized to receive from the town of Burnham and the said town of Burnham is hereby authorized to convey to said district the school land situated in the town of Burnham and to turn over to said school district such sums of money as it may raise either by taxation or by bond issue for the purpose of constructing a centralized school building. Before conveyance of said land or turning over of said funds, the municipal officers shall be duly authorized to do so by a majority of the legal voters of said town, voting at a special meeting called for that purpose or at any regular town meeting. Said school district is hereby authorized to accept gifts, grants or devises for the purpose of constructing said centralized school building.

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 trustees shall automatically cease to function and all the duties, management, care and maintenance shall revert to the school board of the town of Burnham 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 Burnham. 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 Burnham. 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 Burnham to be expended as hereinbefore stated.

Sec. 8. Emergency clause; effective date; referendum. In view of the emergency recited 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 town of Burnham at any regular or special meeting called and held for the purpose not later than 4 months after the approval of this act. Such special meeting shall be called, advertised and conducted according to law relating to municipal elections; provided, however, that the board of registration of the town of Burnham shall not be required to prepare for posting nor 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 meeting. 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 Town of Burnham 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 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 Burnham and due certificate thereof shall be filed by the clerk of said town with the secretary of state.