

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. 123

H. P. 201

House of Representatives, January 23, 1951

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

HARVEY R. PEASE, Clerk

Presented by Mr. Cobb of Lee.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-ONE

AN ACT to Incorporate the Carroll School District.

Emergency preamble. Whereas, the buildings which house the schools of the platation of Carroll are overcrowded, inadequate and unsafe, and one of the buildings is in such bad condition that it could not be used and school is being kept this year in the Grange Hall; and

Whereas, the Grange Hall is no longer available for school purposes and new building construction is vitally necessary; and

Whereas, it will be impossible to borrow sufficient funds unless a school district is created; 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 the adjournment of the legislature, construction will be held up for another year; 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 this act, the inhabitants of and the territory within the plantation of Carroll shall constitute a body politic and corporate under the name of the "Carroll School District" for the purpose of providing additional school facilities within said district, for the purpose of erecting and constructing a new school building upon land provided and secured for school purposes, and located in said plantation of Carroll and for the further purposes of equipping and maintaining said building and grading the grounds about the same, all as hereinafter provided and for the benefit of the inhabitants of the said district.

Sec. 2 Trustees, powers and duties; limitations. All the affairs of said district, except the election of teachers who shall serve in said plantation of Carroll 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 plantation of Carroll, shall be managed by a board of 3 trustees who shall hold office for the period of 3 years from the date of their appointment except as hereinafter provided for. Three trustees shall be chosen by the municipal officers of the plantation of Carroll as soon as may be after the passage of this act as hereinafter provided. Removal from the plantation of Carroll by any trustee shall ipso facto vacate his office. Vacancies upon the board of trustees occurring because of expiration of the official term of 3 years, removal from plantation, resignation, death or any cause shall be filled by the municipal officers of the plantation of Carroll in the same manner in which the original board was chosen.

The members of the board as soon as convenient after they have been chosen as provided, 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 plantation of Carroll 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 Carroll at the close of each municipal year of said plantation. 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 funds 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 plantation.

Sec. 3. Bond issue authorized. To procure funds for the purposes 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 to an amount to be determined by vote of the legal voters of the said district at a meeting called for such purpose, but shall not incur a total indebtedness exceeding the sum of \$19,000. Each bond and note shall have inscribed upon its face the words: "Carroll 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. 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.

All bonds and notes issued by said district may be callable 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 corporation 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. 4. Sinking fund; refunding bonds provided for. In 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 be not less than $3\frac{1}{3}\%$ of the total principal amount of such bonds or notes originally issued. 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 trust company or savings bank 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 or 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 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 such new bonds or notes mature more than 30 years from the original date of issue of the original bonds or notes so refunded.

Sec. 5. Assessment of taxes authorized to meet indebtedness; how collected; procedure. The trustees of the Carroll School District shall determine the sum to be paid annually into the sinking fund, or if the bonds and notes authorized by this act shall be issued to mature serially what amount 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 state treasurer for taxes, with proper changes, to the assessors of the plantation of Carroll, 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 plantation of Carroll, 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 district may issue his warrant for the amount of said tax or so much thereof as shall then remain unpaid to the sheriff of Penobscot 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. 6. When trustees cease to function. At such time as the school building shall have been completed, equipped and occupied by pupils and the board of trustees of said 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 in respect to such school building shall revert to the school board of the plantation of Carroll or other such 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 property in said school district, to the plantation of Carroll. All money, if any remains in the treasury of the board of trustees at the time it ceases to function, shall be given to the treasurer of the plantation of Carroll. This money shall be used only for school purposes and shall be kept separate from all other money until authorized by the assessors of the plantation of Carroll to be expended as hereafter provided.

Sec. 7. Authority to receive property from the plantation of Carroll. The plantation of Carroll school district is hereby authorized to receive from the plantation of Carroll, and said plantation is hereby authorized to transfer and convey to said district, any property, real, personal or mixed, now or hereafter owned or held by the said plantation for school purposes, and any sums of money or other assets which the said plantation has raised or may raise, either by taxation, borrowing or otherwise, for school pur-

poses. Before transferring and conveying any of said property or turning over any of said funds or assets, the municipal officers of the plantation of Carroll shall be duly authorized to do so by a majority vote of the legal voters present at any annual or special plantation meeting, the call for which shall have given notice of the proposed action.

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 plantation of Carroll 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 the law relating to plantation meetings; provided, however, that the assessors of the plantation of Carroll shall not be required to prepare for posting nor the plantation clerk to post a new list of voters, and for the purpose of registration of voters, said assessors shall be in session 2 hours next preceding such meeting. The plantation 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 Carroll 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; 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 plantation at the next previous gubernatorial election.

The result in said district shall be declared by the assessors of the plantation of Carroll and due certificate thereof filed by the plantation clerk with the secretary of state.