

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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. 439

H. P. 748

House of Representatives, February 2, 1951

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

HARVEY R. PEASE, Clerk

Presented by Mr. Chaples of Hudson.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-ONE

AN ACT to Incorporate the Town of Howland School District.

Emergency preamble. Whereas, the present accommodations for the high school of the town of Howland are wholly inadequate to accommodate the pupils of said town; and

Whereas, the present buildings are overcrowded and are in very bad condition and cannot be made adequate and proper at a reasonable cost commensurate with the results obtainable; and

Whereas, the kind and quality of schooling available to the pupils is as a result inadequate; and

Whereas, new building construction is necessary to provide adequate school accommodations; and

Whereas, it is impossible for the town of Howland to borrow sufficient funds for the purpose of erecting, equipping and maintaining a school building for high school purposes and related athletic and recreational facilities; 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. Incorporation; name; purposes. Subject to the provisions of this act, the inhabitants of and territory within the town of Howland are hereby created a body politic and corporate under the name of "Town of Howland School District" for the purpose of acquiring land and other property within the town for school purposes; and for the purpose of erecting, equipping, repairing and maintaining on said land a school building or buildings; with the right to lease or let said property and building or buildings to said town; all for the benefit of the inhabitants of said district.

Sec. 2. Trustees, powers and duties; limitations. All affairs of said district (except the election of teachers who shall serve in said schools and the fixing of their salaries, the course of study, the terms of school and all other matters pertaining to the education of pupils, which matters shall be controlled by the superintending school committee of the town of Howland) shall be managed by a board of 5 trustees who shall be elected as hereinafter provided. The board of trustees, acting for said district, shall have and exercise all the powers and authority necessary to carry out the purposes of this act and the powers and authority granted herein.

Sec. 3. Trustees, how chosen; tenure of office; organization of board; officers; vacancies; compensation; reports. As soon as may be after the acceptance of this act, as hereinafter provided, the selectmen of the town of Howland shall appoint 5 trustees of said district to hold office as follows respectively; 1 until the next annual town meeting following acceptance of this act; 1 until the 2nd annual town meeting thereafter; 1 until the 3rd annual town meeting thereafter; 1 until the 4th annual town meeting thereafter and 1 until the 5th annual town meeting thereafter. At each annual town meeting of the town of Howland, beginning with the annual town meeting after the acceptance of this act, 1 trustee shall be elected to serve until the annual town meeting occurring 5 years thereafter by the voters at large on a non-partisan ballot requiring a 40 name petition in nomination to be filed at least 10 days before election, exclusive of Sundays and holidays. All trustees shall be eligible for reelection or reappointment.

Vacancies occurring for any reason shall be filled by appointment by the selectmen of the town within 10 days after the vacancy occurs, said appointment to be for the entire remainder of the unexpired term. When any

trustee ceases to be a resident of said district, he vacates the office of trustee.

The members of the board, as soon as convenient after they have been chosen as above provided, shall meet upon call of one of their number after such reasonable notice as he shall deem proper. 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 and shall at once proceed to carry out the duties of their office.

Within 2 weeks following the regular election in the town of Howland for the election of town officers each year, the trustees shall meet for the purpose of electing a president, clerk and treasurer for the ensuing year.

The trustees shall serve without compensation, except that the treasurer shall receive for his services an amount to be fixed by the board of trustees not to exceed \$100 per year.

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 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 of said district, which shall coincide with the fiscal year of the town of Howland, the trustees shall make a detailed report of their doings, of the financial conditions of said district, of the physical condition of its property, and also of 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. Such report shall be filed with the selectmen of the town of Howland.

Sec. 4. How financed. To procure funds for the purpose of this act and such other expense as may be necessary for the carrying out of said purposes, the trustees of said district are hereby authorized to issue its bonds and notes, but shall not incur a total indebtedness exceeding the sum of \$125,000. Each bond shall have inscribed upon its face the words: "Town of Howland School District" and shall bear interest at such rates as the trustees shall determine, payable semiannually. Said bonds may be issued to mature serially or made to run for such periods as said trustees may determine, but none of them 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 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.

Sec. 5. Sinking fund. In case said bonds 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 said bonds when they become due, and not less than 3 1/3% of the total cost of the school building and its appurtenances and the expenses incidental to the carrying out of the purposes of this act shall be added to said 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 the bonds of any political subdivision thereof as the trustees may determine. Whenever any bonds 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 and cancel them. In no case shall bonds 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 falling due at any one time, authority to issue new bonds sufficient to redeem so many of said bonds as cannot be redeemed from the sinking fund is hereby granted to said district, but in no case shall new bonds run beyond 30 years from the date of the original issue.

Sec. 6. Provisions for sinking fund. The trustees of the "Town of Howland 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 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 the state for taxes, with proper changes, to the assessors of the town of Howland, 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 Howland, 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 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 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. 7. Authorization. The "Town of Howland School District" is hereby authorized to receive from the town of Howland, and the said town of Howland is hereby authorized to convey to said district school buildings or land situated in the town of Howland 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 high school building or to repair existing buildings and to turn over to said school district any school equipment and property which has been or may be acquired for use in the public schools. Before conveyance of said land or turning over of said funds or other property, 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 a school building or buildings for high school purposes and related athletic and recreational facilities, grading, furnishing and equipping same.

Sec. 8. Definition. As used in this act, "secondary school" or "high school" may include grades 7 and 8 as well as 9 to 12.

Sec. 9. Provisions for termination of the board of trustees. At such time as the school building or buildings 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 Howland, 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 Howland. 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 Howland. 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 Howland to be expended as hereinbefore stated.

Sec. 10. 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 Howland at any regular or special town meeting called and held for the purpose not later than 4 months after the approval of this act. Such special election shall be called, advertised and conducted according to law relating to municipal elections; provided, however, that the board of registration in the town of Howland shall not be required to prepare for posting nor the town clerk to post a new list of voters, and for the purposes of registration of voters, said board shall be in session the 3 secular days next preceding such special election, the 1st and 2nd days thereof to be devoted to registration of voters and the 3rd day to enable the board to verify the corrections of such list and to complete and close up their records of said sessions. The town clerk shall reduce the subject matter of this act to the following question: "Shall the Act to Incorporate the Town of Howland School District be accepted?" and the voters shall indicate by a cross or a 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 town at the next previous gubernatorial election. The result in said district shall be declared by the municipal officers of the town of Howland and due certificate thereof filed by the town clerk with the secretary of state.