

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. 975

S. P. 414

In Senate, February 28, 1951

Referred to the 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 Create the Flander's Bay Community School District.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. Incorporation. The inhabitants of and the territory within any 3 or more of the towns of Gouldsboro, Sorrento, Sullivan and Winter Harbor may form a secondary community school district which shall be a body politic and corporate by proceeding as follows:

The municipal officers in each of the several towns may call a meeting of the inhabitants of their respective towns in the manner provided by law for calling town meetings, and such meetings shall vote to favor or oppose similar articles in substantially the following form:

Article To see if the town will vote to join with the towns of (naming them) to form a secondary school district to be known as "Flander's Bay Community School District."

Article To see if the town will vote that the district be authorized to acquire and hold property of a value not in excess of \$200,000.

Article To see if the town will vote to authorize said community school district from time to time to borrow money and to issue its

bonds and notes therefor in an amount not in excess of \$200,000 outstanding at any one time, exclusive of refundings, for the purpose of acquiring land, constructing and equipping a community school building, or buildings and related recreational and athletic facilities and for other purposes of the district.

Sec. 2. Organization; compensation. When the inhabitants of 3 or more towns have voted to form a community school district, as provided in the preceding section, the municipal officers of each of the towns in the proposed school district shall appoint 3 persons, resident in such town, to be incorporators of said proposed school district who shall become trustees of said district. Said 3 trustees shall be appointed, one for 1 year, one for 2 years and one for 3 years, and thereafter 1 each year shall be elected for a term of 3 years in each of the participating towns by the inhabitants of the community school district who are voters in their respective towns. Said elections shall take place at the annual town meeting and trustees elected or appointed shall serve until their successors are elected and qualified. Vacancies in the office of trustees shall be temporarily filled by appointment by the municipal officers of the town where the former trustee resided until a successor trustee is elected for the unexpired portion of the term, if any, at the next annual town meeting in said town.

The incorporators so appointed as soon as convenient thereafter shall meet upon call of one of their number after reasonable notice. They shall organize as a board of trustees and shall elect from their number a chairman, a treasurer, a clerk and such other officers as they shall decide upon, and shall adopt by-laws and an official seal.

When the corporation is thus organized, the trustees shall make a return to the secretary of state setting forth the fact of the organization of the district, the names of the trustees and the officers thereof, the amount of property it is authorized to acquire and hold and the amount of its borrowing power.

Only those towns the inhabitants of which vote to join such community school district shall be bound by the terms of this act.

Sec. 3. Duties of trustees. All of the affairs of said district, except election of teachers who shall serve in said school and 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 a community school committee hereinafter provided for, shall be managed by said board of trustees.

The trustees shall serve without compensation, except 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 chairman. The expense of such bond shall be paid by the district. 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 or buildings, and also such other matters pertaining to said district as shall show the inhabitants thereof how said trustees are fulfilling the duties and obligations of their trust, duplicate copies of said reports to be made, attested to and filed with the municipal officers of each participating town.

Sec. 4. Power to borrow money. To procure funds for authorized purposes of the district, the trustees of said district are hereby authorized to issue bonds and notes of the district, not to exceed in the aggregate at any one time outstanding, exclusive of refundings, the limit of indebtedness of said district as established under section 1 or 7% of the total of the last preceding valuation of all of the participating towns, whichever is the lesser. Each bond or note shall have inscribed upon its face the words: "Flander's Bay Community School District" and shall 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 public or private sale, as the trustees shall determine. Each issue of said bonds shall mature in substantially equal annual installments, so that the first installment shall be payable not later than 2 years after the date of issue and the last installment not later than 25 years from the date thereof; provided, however, that if the proceeds of an issue of bonds are used in whole or in part to fund temporary notes of the district or renewals thereof, the period during which such issue of bonds shall be outstanding, plus the period of the loan represented by such temporary notes or renewals thereof, shall not exceed 25 years. All notes or bonds issued by said district shall be signed by the treasurer and countersigned by the chairman of said district, and if coupon bonds be issued, each coupon shall be attested by a facsimile signature of the treasurer printed thereon. Notes issued by the district shall mature not later than 1 year from their date but may be renewed from time to time, provided that the period of the original note plus that of renewals thereof shall not exceed 2 years. Said notes and bonds 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 of 1944, and all the provisions of said section shall be applicable thereto.

Sec. 5. How financed. The trustees of the "Flander's Bay Community School District" shall, within 90 days after authorization by vote of the participating towns as provided in section 1, and thereafter annually before April 1st of each year, determine the sum required each year to meet the bonds falling due and what further sum is necessary to meet the interest on said bonds or other obligations, and all other expenses necessary for the operation of the district. The trustees shall thereupon issue their warrants, in substantially the same form as the warrant of the treasurer of state for taxes, to the assessors of each participating town, requiring them to assess upon the taxable polls and estates within said town an amount in proportion to the total sum required each year as that town's state valuation bears to the total state valuation of all the participating towns, except that the maintenance and operational costs shall be apportioned among the participating towns on the basis of average daily membership in the community school from each of the towns; and to commit the assessment to the constable or collector of said town who shall have all the authority and powers to collect said taxes as is in him 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 each town shall pay the amount of the tax so assessed against the taxable polls and estates within his said town to the treasurer of the district. In the case of the failure on the part of the treasurer of said town to pay said sum or any part thereof on or before said 31st day of December in the year in which said tax is levied, the treasurer of the district may issue his warrant for the amount of said tax or so much thereof as shall then remain unpaid to the county sheriff requiring him to levy by distress and sale on the real and personal property of any of the inhabitants of said district living in the town where such default takes place and the sheriff or any of his deputies shall execute said warrant, except as otherwise herein provided. 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 such town.

Sec. 6. Organization of community school committee; powers. The community school committee shall consist of not more than 9 members, the total number to be determined by the trustees of the district. The representation of each town shall be in approximately the same ratio to the total membership of the committee as the town's enrollment is to the enroll-

ment in the community school; provided, however, that no town shall have less than 1 nor more than 3 representatives on the committee. The superintending school committee of each town shall choose from its membership the representation on the community school committee to which that town is entitled as above provided and membership on the community 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 school committee of the town in whose representation the vacancy occurs. Adjustments in the representation of the several towns shall be made whenever changes in the enrollment from the individual towns make the existing representation in conflict with the provisions of this section. The committee shall at its first meeting and annually in April thereafter choose by ballot from its membership a chairman and a secretary. 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 and those enumerated in section 3.

Sec. 7. Definition of secondary school. "Secondary schools" as used in this act may include grades 7 and 8, as well as grades 9 to 12.

Sec. 8. Application of general law. The "Flander's Bay Community School," as herein established, may be considered the official secondary school of the participating towns and all provisions of the general law relating to public education shall apply to said school. Teaching positions, special courses and other bases for allocations to towns because of this school shall be divided according to proportional assessment of each town as determined in section 5.

Sec. 9. Transportation. Transportation shall be provided by the community school committee in the same manner as is provided for transportation of elementary school pupils in section 8 of chapter 37 of the revised statutes of 1944, as amended, the expenditures for transportation to be considered an expense of operation of said school.

Sec. 10. Superintendent of schools. The superintendent of the community school shall be selected by the community school committee and shall have the same duties, powers and responsibilities with respect to said school and its committee as are prescribed by law for public school superintendents.

Sec. 11. Participating towns; withdrawal. The inhabitants of and territory within any town not originally in the district may be included upon vote of all the towns concerned in a manner similar to that prescribed

for the establishing of the community school, under such terms and arrangements as may be recommended by the community school trustees and approved by such vote, provided the cost to the inhabitants and territory so applying shall be based on a fair valuation as determined by the state board of equalization.

When the inhabitants of a participating town have indicated their desire to withdraw from a community school 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.

Sec. 12. Acceptance by towns; referendum; effective date. This act shall take effect 90 days after the adjournment of the legislature, only for the purpose of permitting its submission to the legal voters within each respective town at an annual town meeting or at a special town meeting called and held for the purpose not later than 1 year after the effective date of this act. Such special town meetings shall be called, advertised and conducted according to the law relating to municipal elections; provided, however, that the selectmen 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 clerks in each respective town shall reduce the subject matter of this act to the following question: "Shall 'An Act to Create the Flander's Bay Community School District' passed by the 95th legislature, 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 the towns of Gouldsboro, Sorrento, Sullivan and Winter Harbor and due certificates thereof filed by the town clerks of the respective towns with the secretary of state.

This act shall take effect for all the purposes hereof immediately upon its acceptance by a majority vote of the legal voters of 3 or more of said towns voting at said meetings; provided, however, that no town not voting to enter the school district shall be bound by the terms of this act.