

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 556**

H. P. 522

House of Representatives, February 10, 1953.

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

HARVEY R. PEASE, Clerk

Presented by Mr. Low of Rockland

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-THREE

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**AN ACT Amending the Maine School Building Authority.**

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

**Sec. 1. R. S., c. 37, § 215, amended.** The last paragraph of section 215 of chapter 37 of the revised statutes, as enacted by section 1 of chapter 405 of the public laws of 1951, is hereby amended to read as follows:

'All members of the Authority shall be reimbursed for their actual expenses necessarily incurred in the performance of their duties and **all members, except the governor and the commissioner of education, the appointive members** shall receive, in addition, \$10 per day for services actually rendered.'

**Sec. 2. R. S., c. 37, § 217, sub-§ V, amended.** Subsection V of section 217 of chapter 37 of the revised statutes, as enacted by section 1 of chapter 405 of the public laws of 1951, is hereby amended to read as follows:

'**V.** To construct or acquire, extend, enlarge, repair or improve school projects at such locations within the state as may be determined by the Authority, when the superintending school committee of any town or the community school committee of a community school district has certified the need therefor to the municipal officers of such town or the trustees of such community school district together with their recommendation

for the procurement of new, additional or different public school buildings, and such recommendation has been approved by such municipal officers or trustees, ~~town or towns~~ and by the state board of education. ~~This Authority may acquire the properties of a town, a school district or community school district, subject to the liabilities thereof and under conditions consistent with the provisions of sections 212 to 228, inclusive, and may issue revenue bonds in replacement of the outstanding liabilities.~~

**Sec. 3. R. S., c. 37, § 217, sub-§ X, amended.** Subsection X of section 217 of chapter 37 of the revised statutes, as enacted by section 1 of chapter 405 of the public laws of 1951, is hereby amended by adding thereto the following sentence:

**'The power of eminent domain conferred on the Authority is restricted to 25 acres for any one project and the Authority in exercising its right of eminent domain shall be governed by the provisions of sections 12 to 22, inclusive, of chapter 48.'**

**Sec. 4. R. S., c. 37, § 217, sub-§ XIII, amended.** Subsection XIII of section 217 of chapter 37 of the revised statutes, as enacted by section 1 of chapter 405 of the public laws of 1951, is hereby amended by adding thereto the following paragraphs:

**'Whenever any funds are available for general distribution for school construction, including projects not financed by the Authority, the Authority is authorized to receive such funds, and if not inconsistent with the grant of said funds, to disburse the moneys thus received according to the following:**

**The total potential allocation for any approved school project in any city, town, unorganized unit, or school district shall be from 15% to 50% of the approved cost of such project and determined by computing  $\frac{1}{4}$  of the approved cost of the project multiplied by the state valuation per pupil in the state divided by the valuation per resident pupil as reported in the latest annual report required under the provisions of section 63.**

**The total potential allocation for any approved school project in any community school district shall be from 15% to 50% of the approved cost of such project and determined by computing  $\frac{1}{3}$  of the approved cost of the project multiplied by the state valuation per pupil in the state divided by the valuation per resident pupil in participating towns comprising such district.**

Approved cost as used above shall mean the cost of the project as estimated by the Authority.

The Authority is empowered to make an additional grant to municipalities, school districts and community school districts extending school opportunities to children living in unorganized territory by adding to the grant as determined above the percentage thereof ascertained by dividing the number of pupils enrolled from unorganized territory on April 1 preceding by the total enrollment reported in the latest annual report required under the provisions of section 63.

The Authority shall certify, not later than June 30 of each year, to the controller, and the treasurer of state shall pay to the several cities, towns, school districts, and community school districts, the percentage of the total allocations previously established, which will distribute equitably and with due regard to local financing exigencies the funds available.'

Sec. 5. R. S., c. 37, § 218, amended. Section 218 of chapter 37 of the revised statutes, as enacted by section 1 of chapter 405 of the public laws of 1951, is hereby amended to read as follows:

'Sec. 218. **Contracts with towns.** The Authority may authorize any town ~~or towns~~ or community school district, subject to the supervision and approval of the Authority, to design and construct any project and to acquire necessary land, furnishings and equipment therefor. Any town or community school district is hereby authorized to convey to the Authority property, rights, easements and any other interests, which may be necessary or convenient for the construction and operation of any project and upon such terms as may be agreed upon between the Authority and town or community school district. Any town, **notwithstanding the prior creation of a school district coterminous with said town**, or community school district may contract with the Authority for the lease or use of any project financed under the provisions of sections 212 to 228, inclusive, for such period and for such consideration and on such terms and conditions as such town or community school district and the Authority shall determine to be in the public interest, and all rentals or other charges provided by any such contract to be paid for the lease or use of such project shall be deemed to be current operating expenses of the town or the community school district, but shall be excluded in the computation for state school subsidy. If a town or community school district shall be delinquent in its payments to the Authority, the state department of education shall make payment to the Authority in lieu of such town or community school district from any amounts properly payable to such town or community school district by such department, not exceeding the amount then presently due to

the Authority from such town or community school district; **provided, however, that if the amounts properly payable to such community school district shall be less than the amount then presently due to the Authority from such community school district, the state department of education shall make payment of the balance to the Authority from the amounts properly payable to the participating towns in such community school district, the amount to be withheld from each of said towns to be such portion of the balance as that town's state valuation bears to the total state valuation of all the participating towns. When the amount of rental paid by any town lessee of such school buildings shall equal the cost with interest paid out by the Authority, from its sale of bonds, the lessee shall be given full title to such building or buildings by said Authority**

No contract, lease or agreement between a town ~~or towns~~ or community school district and the Authority shall be valid unless first approved by the vote of a majority of the inhabitants of such town or of each town involved in the case of a community school district voting on this question. ~~by the inhabitants of the town or towns involved either individually or as members of a community school district~~ Notwithstanding the provisions of any other law, any delay in the actual completion of a project beyond the date as estimated by the Authority for such completion or any damage to or destruction of the whole or any portion of any project shall not operate to relieve the town or community school district of its obligation to pay the rentals and other charges as provided in such contract, lease or agreement. Any such contract, lease or agreement heretofore entered into in accordance with the provisions of this section is hereby ratified and confirmed.'

Sec. 6. R. S., c. 37, § 219, amended. The 1st sentence of section 219 of chapter 37 of the revised statutes, as enacted by section 1 of chapter 405 of the public laws of 1951, is hereby amended to read as follows: 'The Authority is hereby authorized to provide by resolution, at ~~+~~ **one** time or from time to time, for the issuance of revenue bonds of the Authority but not to exceed ~~\$15,000,000~~ **\$25,000,000** outstanding at **any one time** for the purpose of paying all or any part of the cost of any project or projects and for any purpose authorized in sections 212 to 228, inclusive.'