

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)

Transmitted by Director of Legislative Research pursuant to joint order.

N I N E T Y - S I X T H L E G I S L A T U R E

Legislative Document

No. 984

H. P. 936

House of Representatives, February 19, 1953

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

HARVEY R. PEASE, Clerk

Presented by Mr. Low of Rockland

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-THREE

AN ACT Amending the Community School District Law.

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

Sec. 1. R. S., c. 37, § 92-A, amended. Section 92-A of chapter 37 of the revised statutes, as enacted by chapter 357 of the public laws of 1947, and as amended, is hereby further amended to read as follows:

‘Sec. 92-A. Community school districts. The inhabitants of and territory within two or more towns 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 the calling of 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~~ **community** school district to be known as “..... 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 \$. **for the purpose of operating (name type of school or schools).**

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 \$. 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.

The clerk in each of the several towns shall file a return of such votes with the secretary of state. If a majority of those voting in each of the towns shall favor each of the 3 propositions, the inhabitants of and the territory within said towns shall thereupon become a community school district, which shall, subject to the provisions hereof, bear the name so determined upon and shall have authority to acquire and hold property and to borrow money not in excess of the respective amounts so determined upon. The inhabitants of the participating towns in meetings similarly called and held may vote to change the name of the school district, ~~and~~ or to increase the maximum amount of property to be held by the school district ~~and~~ or the maximum amount of money which the school district may borrow.

The inhabitants of each town which has heretofore participated in the formation of a secondary school district may, in meetings similarly called and held, vote to authorize the district to acquire and hold property for the purpose of operating a primary or primary schools and to authorize said district from time to time to borrow money and to issue its bonds and notes therefor.'

Sec. 2. R. S., c. 37, § 92-C, amended. Section 92-C of chapter 37 of the revised statutes, as enacted by chapter 357 of the public laws of 1947, and as amended, is hereby further amended to read as follows:

'Sec. 92-C. Duties of trustees. All of the affairs of said district, except election of teachers who shall serve in said school **or schools** 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.'

Sec. 3. R. S., c. 37, § 92-C, amended. The 2nd paragraph of section 92-C of chapter 37 of the revised statutes, as enacted by chapter 357 of the public laws of 1947, and as amended, is hereby repealed.

Sec. 4. R. S., c. 37, § 92-D, amended. Section 92-D of chapter 37 of the revised statutes, as enacted by chapter 357 of the public laws of 1947, and as amended, is hereby further amended to read as follows:

Sec. 92-D. 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 92-A or 5% of the total of the last preceding **state** valuation of all of the participating towns, whichever is the lesser; **provided, however, that contracts, leases or agreements with the Maine School Building Authority shall not be debts or liabilities within the provisions of this section.** Each bond or note shall have inscribed upon its face the words: "..... 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 sections 92-A to 92-K, inclusive, 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 **and said contracts, leases and agreements with the Maine School Building Authority** 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, and all the provisions of said section shall be applicable thereto.'

Sec. 5. R. S., c. 37, § 92-E, amended. The 1st and 2nd sentences of section 92-E of chapter 37 of the revised statutes, as enacted by chapter 357 of the public laws of 1947, and as amended, are hereby further amended to read as follows:

'The trustees of the "..... Community School District" shall within 90 days after authorization by vote of the participating towns as provided in section 92-A 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, **including the rentals and other charges provided in any contract, lease or agreement with the Maine School Building Authority.** 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 pools and estates within said town an amount in proportion to the total sum required each year at that town's state valuation bears to the total state valuation of all the participating towns, except that if the apportionment for maintenance and operation of the school **or schools** results in a per pupil cost to any participating town in excess of 150% of the average per pupil cost for operating the school **or schools**, the town's apportionment shall be 150% of the average per pupil cost and the balance shall be apportioned among the remaining towns according to the last preceding state valuation; 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.'

Sec. 6. R. S., c. 37, § 92-G, repealed. Section 92-G of chapter 37 of the revised statutes, as enacted by chapter 357 of the public laws of 1947, and as amended, is hereby repealed.

Sec. 7. R. S., c. 37, § 92-H, amended. Section 92-H of chapter 37 of the revised statutes, as enacted by chapter 357 of the public laws of 1947, and as amended, is hereby further amended to read as follows:

'**Sec. 92-H. Application of general law.** Community schools as herein provided when established may be considered the official ~~secondary~~ schools of the participating towns and all provisions of the general law relating to public education shall apply to said schools. ~~Teaching positions, special~~ **Special** courses and other bases for allocations to towns because of these schools shall be divided according to proportional assessment of each town as determined in section 92-E.'

Sec. 8. R. S., c. 37, § 92-I, amended. Section 92-I of chapter 37 of the revised statutes, as enacted by chapter 357 of the public laws of 1947, is hereby amended to read as follows:

'**Sec. 92-I. 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, the expenditures for

transportation to be considered an expense of operation of said school **or schools.**'

Sec. 9. R. S., c. 37, § 92-J, amended. Section 92-J of chapter 37 of the revised statutes, as enacted by chapter 357 of the public laws of 1947, is hereby amended to read as follows :

'**Sec. 92-J. Superintendent of schools.** The superintendent of the community school **or schools** shall be selected by the community school committee and shall have the same duties, powers and responsibilities with respect to said school **or schools** and ~~its~~ **their** committee as are prescribed by law for public school superintendents.'

Sec. 10. R. S., c. 37, § 92-K, amended. The first paragraph of section 92-K of chapter 37 of the revised statutes, as enacted by chapter 357 of the public laws of 1947, as amended, is hereby further amended to read as follows :

'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 **or schools**, 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.'

Sec. 11. Application. The amendments to sections 92-A to 92-K, inclusive, of chapter 37 of the revised statutes made by this act shall be applicable to all community school districts heretofore formed under the provisions of said section.